A Thematic Study by the IPCC on the Public Order Events arising from the Fugitive Offenders Bill since June 2019 and the Police Actions in Response

Volume 2

Independent Police Complaints Council

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CHAPTER 5

SYNOPSIS OF COMPLAINTS

The Police Complaints System and IPCC Ordinance

5.1 The police complaints system in Hong Kong is a two-tier system. On the first tier is CAPO of the Police, responsible for receiving and investigating complaints. After investigation, CAPO would submit the complaint investigation reports to the IPCC, the second tier, which would scrutinise the reports to review whether the complaints have been properly investigated and the findings are just and fair.

5.2 There are two categories of complaints, namely Reportable Complaints (RCs) and Notifiable Complaints (NCs).[1] RCs are complaints lodged by members of the public directly affected by the alleged conduct of police officers who are either on duty or have identified themselves as police officers while off duty. NCs are complaints which do not meet the criteria to be classified as "RCs", complaints that are frivolous or vexatious, or complaints that are lodged by persons not directly affected by the alleged police conduct which they might have overheard from others, seen or learnt of on the media. Under the current complaints system, CAPO is required to submit to the IPCC investigation reports on RCs for vetting and endorsement. As to NCs, CAPO has full authority to deal with those complaints without having to submit any investigation reports to the IPCC for examination. CAPO, nonetheless, has to provide summaries of the NCs on a monthly basis for IPCC's scrutiny to ensure that all the NCs are properly categorised as NCs, and none of them should have been categorised as RC, in which case CAPO has to submit an investigation report to the IPCC.

5.3 Section 8(1)(a) of the IPCC Ordinance empowers the IPCC to monitor and review RCs. Other than powers to examine RCs, section 8(1)(c) of the IPCC Ordinance further provides the IPCC with the authority to identify any fault or deficiency in any practice or procedure adopted by the Police that has led to or might lead to RCs, and to make recommendations in respect of such practice or procedure. Under section 8(2) of the IPCC Ordinance, the IPCC may do all things that are reasonably necessary for, or incidental or conducive, to the performance of its functions under the IPCC Ordinance.

1 The categorisation of RCs and NCs is detailed in sections 9 to 16 of the IPCC Ordinance, Cap. 604.

Complaint Figures

5.4 As at 29 February 2020, Police action in response to the public order events (POEs) arising from the Fugitive Offenders Bill since June 2019 have given rise to a total of 1 641 complaints, 542 RCs lodged by 565 complainants and 1 099 NCs lodged by 4 516[2] complainants. Table 5-1 and Charts 5-1 and 5-2 show the breakdown of complaints by month[3] since the POEs began in June 2019.

Incident Month	**RCs**	**NCs**	**RCs + NCs**	**Cumulative**
June 2019	**57**	80	137	137
July 2019	**78**	150	228	365
August 2019	**93**	153	246	611
September 2019	**66**	149	215	826
October 2019	**88**	188	276	1 102
November 2019	**120**	218	338	1 440
December 2019	**30**	101	131	1 571
January 2020	**10**	60	70	1 641
February 2020	**0**	0	0	1 641

Table 5-1: Number of complaints by incident month[4]

5.5 The number of RCs rose from June to August 2019 but dropped in September 2019 and rose again in October and November 2019 before taking a steep dip in December 2019. The rise and fall of the number of NCs more or less follow the same pattern as that of the RCs only that the fall in the number of NCs from August to September 2019 was insignificant.

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2 According to the Police, around 700 NCs were lodged by 17 persons, one of which lodged more than 170 NCs.
3 Refers to the number of complaints regarding incidents occurred in those months.
4 Refers to the number of complaints regarding incidents occurred in those months.

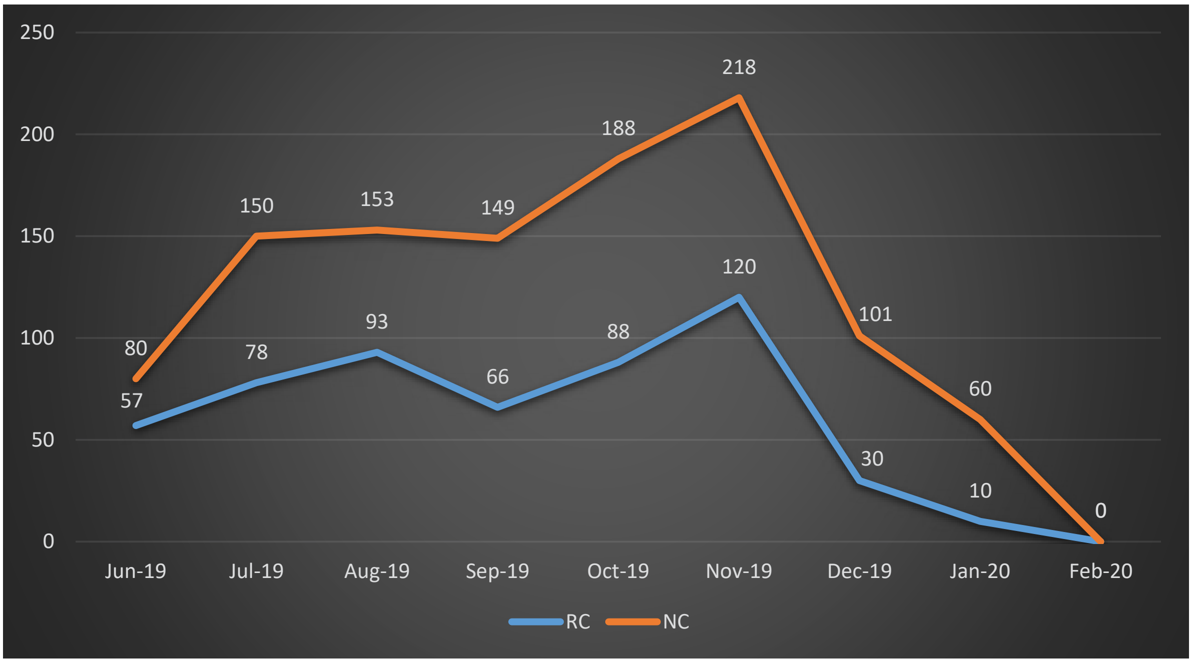


Chart 5-1: Number of complaints by incident month[5]

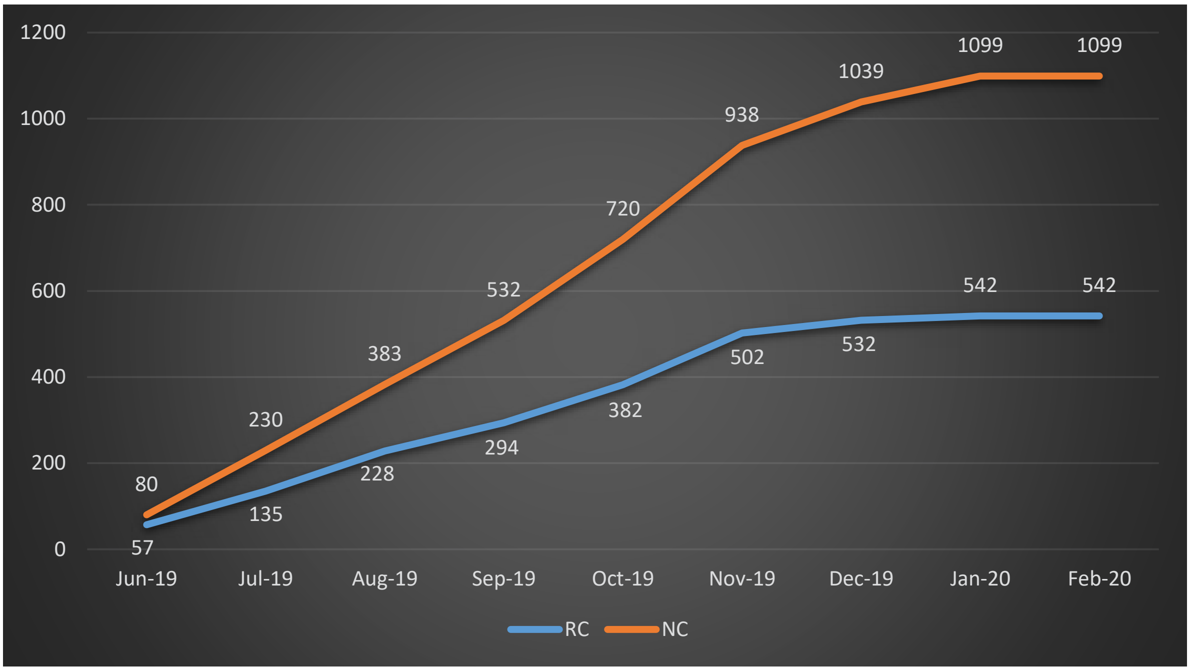


Chart 5-2: Number of complaints by incident month[6] (cumulative)

[5] Refers to the number of complaints regarding incidents occurred in those months.
[6] Refers to the number of complaints regarding incidents occurred in those months.

5.6 139 of the 542 RCs were lodged by arrested persons, 111 by reporters, and the remaining 292 by other civilians. Chart 5-3 shows the breakdown of RCs by complainants.

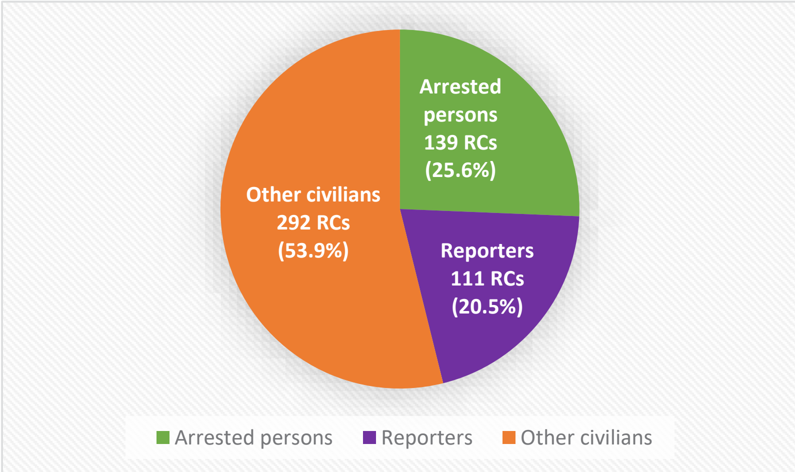


Chart 5-3: Percentage of RCs by complainants

5.7 Of the 139 RCs lodged by arrested persons, 36 (25.9% of the total) arose from Police action in August 2019, 22 (15.8% of the total) from October 2019, and 46 (33.1% of the total) from November 2019. The remaining 35 RCs were scattered among five other months. Chart 5-4 shows the breakdown of the 139 RCs by incident months.

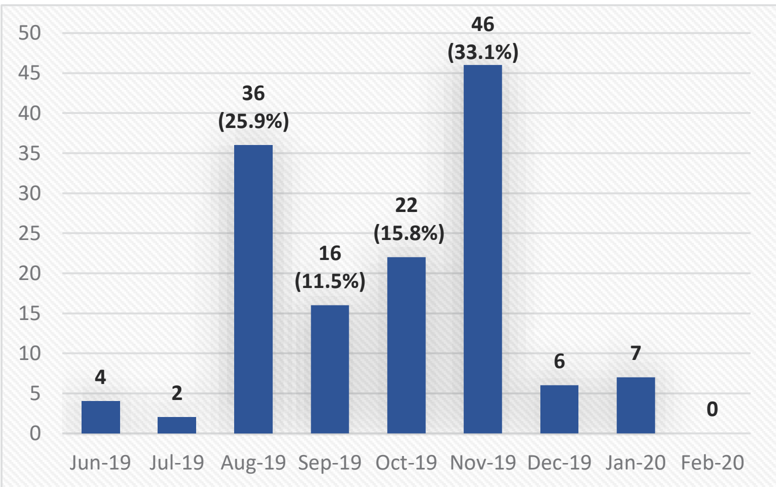


Chart 5-4: Number of RCs lodged by Arrested Persons by incident month[7]

[7] Refers to the number of RCs regarding incidents occurred in those months.

Monthly Review on RCs

5.8 The following is a general analysis of the nature of the RCs of each month in relation to the POEs of that month.

June 2019

- There were only five major POEs in June 2019, on 9, 12, 16, 21 and 26 June 2019, all on Hong Kong Island. Only the POEs on 9 and 12 June 2019 resulted in clashes between the protesters and the Police, those on 12 June 2019 being the most serious.
- 57 RCs, representing more than 10% of the total of 542 RCs, resulted from Police action in June 2019, 23 RCs from 9 June 2019, and 27 RCs from 12 June 2019. The remaining seven RCs stemmed from Police action before and after 9 June 2019 and 12 June 2019.
- 18 of the 23 RCs on 9 June 2019 were about Police use of force, including allegations of police officers assaulting, pushing, pulling, or dragging people. Ten of the 18 RCs involved use of force on reporters. Out of the remaining five RCs that did not involve Police use of force, three concerned policer officers' hindrance of reporters' work and two were about police officers' manners.
- 24 of the 27 RCs on 12 June 2019 were about Police use of force, 13 on the use of tear gas and the remaining 11 on the use of PAVA Solution, OC Foam, batons and rubber rounds.
- Of the 50 RCs on 9 and 12 June 2019, 28 were lodged by reporters.

July 2019

- 78 RCs (14.4% of the total of 542 RCs) arose from Police action in July 2019.
- 53 RCs stemmed from the "Yuen Long Incident" on 21 July 2019. Of these 53 RCs, 28 RCs were about police officers' failure to answer 999 calls, 11 RCs about police officers hanging up 999 calls, nine RCs about police officers' failure to attend the scene, four RCs about police officers' impoliteness, and one RC about a police officer's failure to answer enquiries.
- Among the remaining 25 RCs, seven of the complaints arose from 7 July 2019, two RCs from 13 July 2019, nine RCs from 14 July 2019, one RC from the police operation outside LOCPG on 21 July 2019, five RCs from 28 July 2019 and one RC from 31 July 2019. 12 of the 25 RCs concerned Police use of force, while others were mainly about the manners of police officers and the display of police identity.
- Despite the magnitude of the clashes outside LOCPG on 21 July 2019 (55 tear gas rounds, nine rubber rounds and 25 react rounds fired) and 28 July 2019 in the Western district, Police action on these two days only gave rise to one RC and five RCs respectively, lower than those on other POE days in July 2019. All these six RCs concerned Police use of force, two about the use of physical force and four about the use of tear gas.

- The events on 1 July 2019 did not give rise to any RCs.

August 2019

- There were 93 RCs from the entire month of August 2019 (17.2% of the total).
- The clashes between the Police and some violent protesters on 3, 4, 5, 11, and 31 August 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these five days are given in Table 5-2 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
3 Aug	12	107	0	0	0	38
4 Aug	13	109	29	0	9	68
5 Aug	12	1 002	170	11	28	158
11 Aug	12	361	27	14	0	124
31 Aug	4	272	94	11	49	142

Table 5-2: Police weapons used, arrests made and RCs generated on 3, 4, 5, 11 and 31 August 2019

- Compared with the RC figures from 9 and 12 June 2019, the number of RCs from 3, 4, 5, 11 and 31 August 2019 was small given the level of violence and the scale of the POEs on these five days evident by the use of tear gas and other police weapons and the number of arrests. RCs on 11 and 31 August 2019 would be elaborated in Chapters 11 and 12 respectively.
- Of the 93 RCs from the entire month of August 2019, 54 RCs were about Police use of force. Among these 54 RCs, 25 RCs on the hitting, pushing or pulling of people, 21 on the use of tear gas, while others were on the use of flashlight, laser pens, OC Foam, and the pointing of guns at reporters.
- Among those 39 RCs that were not about Police use of force, 16 RCs were on the handling of arrested persons other than on the use of force, allegations included unlawful arrest, failure to explain the reason of arrest, improprieties in statement taking, denial of legal representation, delaying of medical treatment, and the mishandling of mobile phones of arrested persons. Other RCs concerned the police officers' manners, stop-and-searches conducted by police officers, the hindrance of reporters' work, and the display of police identity.

<u>September 2019</u>

- Police action in September 2019 gave rise to a total of 66 RCs (12.2% of the total).
- The clashes between the Police and some violent protesters on 15, 21, and 29 September 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these three days are given in Table 5-3 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
15 Sep	7	62	17	0	18	57
21 Sep	10	43	6	1	11	31
29 Sep	11	347	297	96	80	146

Table 5-3: Police weapons used, arrests made and RCs generated
on 15, 21 and 29 September 2019

- Other than seven RCs from 15 September 2019, ten RCs from 21 September 2019 and 11 RCs from 29 September 2019, the remaining 38 RCs were scattered among 14 other days.
- 35 of the 66 RCs concerned Police use of force, 18 about hitting, pushing or pulling of people, eight about the use of flashlight, six on the use of tear gas, while others on the use of OC Foam, less lethal projectiles and Specialised Crowd Management Vehicle (SCMV).
- Of the remaining 31 RCs, 12 RCs concerned the handling of arrested persons other than on the use of force. Allegations included failure to caution upon arrest, improprieties during statement taking, mishandling of exhibits, denial of legal representation, delaying of medical treatment, and improprieties during custodial search. The remaining 19 RCs were about manners of police officers and the display of police identity.

<u>October 2019</u>

- Police action in October 2019 gave rise to a total of 88 RCs (16.2% of the total).
- The clashes between the Police and some violent protesters on 1, 4, 6, 13, 20, and 27 October 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these six days are given in Table 5-4 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
1 Oct	6	1 667	1 156	267	248	285
4 Oct	3	271	157	30	26	13
6 Oct	5	156	69	3	5	121
13 Oct	17	2	7	24	6	178
20 Oct	7	266	140	19	43	88
27 Oct	11	135	34	20	6	129

Table 5-4: Police weapons used, arrests made and RCs generated on 1, 4, 6, 13, 20 and 27 October 2019

- 53 of the 88 RCs concerned Police use of force, 30 about hitting, pushing or pulling people, 13 about the use of tear gas, seven on the use of flashlight or laser pens, while others on the use of OC Foam, the use of SCMV and the pointing of shotguns at people.
- Of the remaining 35 RCs, seven RCs concerned the handling of arrested persons other than on the use of force on these arrested persons. Allegations included threat and inducement, denial of legal representation, and verbal abuse. The remaining 28 RCs were about manners of police officers and the display of police identity.
- Despite the high level of violence and the severity of the clashes in the protests on 1 October 2019 as evident by the number of tear gas rounds and other police weapons used and the number of arrests, there were only six RCs from that day. The same observation can be made of 4, 6 and 20 October 2019 but obviously 1 October 2019 stands out prominently. Among the 21 RCs arising from 1, 4, 6, and 20 October 2019, ten concerned Police use of physical force and only one was about the use of tear gas.

November 2019

- Police action in November 2019 gave rise to a total of 120 RCs (22.1% of the total).
- The clashes between the Police and some violent protesters on 2, 11-15, 17, and 18 November 2019 were particularly widespread and intense (for details of the clashes, please see the Overview in Chapter 4). The figures on the number of police weapons used, arrests made and RCs generated on these eight days are given in Table 5-5 below:

Date	No. of RCs	Use of Police Weapons				No. of Arrests
		Tear Gas	Rubber Rounds	Super Sock Rounds	React Rounds	
2 Nov	16	409	132	20	18	263
11 Nov	7	659	251	55	78	309
12 Nov	12	2 330	1 770	434	159	167
13 Nov	9	736	593	54	34	220
14 Nov	4	177	56	11	9	64
15 Nov	5	121	18	0	4	17
17 Nov	5	1 530	1 344	172	279	142
18 Nov	13	3 293	3 188	667	499	1 071

Table 5-5: Police weapons used, arrests made and RCs generated
on 2, 11-15, 17-18 November 2019

- 71 RCs stemmed from the days given in Table 5-5 contributed 59.2 % of all the RCs of November 2019. The remaining 49 RCs were scattered among 13 days in November 2019.
- 82 of the 120 RCs concerned Police use of force, 36 about hitting, pushing or pulling people, 23 about the use of tear gas, 15 about the use of OC Foam or PAVA Solution, while others on the use of flashlight and less lethal projectiles, and the pointing of shotguns at civilians.
- Of the remaining 38 RCs, 26 RCs concerned the handling of arrested persons (not about using force of the arrested persons). Allegations included failure to caution upon arrest, improprieties during statement taking, mishandling of exhibits, denial of legal representation and delay in arranging medical treatments. The remaining 12 RCs were about hindering reporters' work, manners of police officers and the display of police identity.
- Despite the high level of violence and the severity of the clashes in the protests on 12, 17 and 18 November 2019 as evident by the number of tear gas rounds and other police weapons used and the number of arrests, there were only 12, five, and 13 RCs from the respective days.
- The same observation can be made of 11, 13, 14 and 15 November 2019. Among the 25 RCs arising from 11, 13, 14, and 15 November 2019, ten concerned Police use of physical force, only three were about the use of tear gas.

December 2019

- Police action in December 2019 gave rise to a total of 30 RCs (5.5% of the total).
- 16 of the 30 RCs concerned Police use of force, 10 RCs on hitting, pushing or pulling people and the remaining six on the use of tear gas, OC Foam and flashlight.

- The remaining 14 RCs included allegations of inappropriate handling of arrested persons, failure to display of police identity, hindrance of reporters' work, showing a reporter's HKID Card in front of a live camera, and making inappropriate remarks.

January 2020

- Police action in January 2020 gave rise to a total of 10 RCs (1.8% of the total).
- Eight of the 10 RCs concerned Police use of force. Allegations included the hitting, pushing or pulling of people, and the use of OC Foam. The remaining two RCs were about the failure to provide the reason of arrest and hindering reporters' work.

February 2020

- As at 29 February 2020, there was no RC on Police action in February 2020.

Nature of Allegations

5.9 There are a total of 2 180 allegations in the 1 641 complaints (RCs and NCs), 842 allegations in 542 RCs and 1 338 allegations in 1 099 NCs. Table 5-6 gives the breakdown of the nature of these 2 180 allegations.

Nature of Allegation	RC (%)	NC (%)	Total (%)
Assault	**96 (11.4%)**	68 (5.1%)	164 (7.5%)
Unnecessary Use of Authority	**73 (8.7%)**	175 (13.1%)	248 (11.4%)
Misconduct	**276 (32.8%)**	529 (39.5%)	805 (36.9%)
Neglect of Duty	**209 (24.8%)**	354 (26.5%)	563 (25.8%)
Impoliteness	**102 (12.1%)**	108 (8.1%)	210 (9.6%)
Rudeness	**30 (3.6%)**	50 (3.7%)	80 (3.7%)
Offensive Language	**33 (3.9%)**	42 (3.1%)	75 (3.4%)
Threat	**18 (2.1%)**	4 (0.3%)	22 (1%)
Fabrication of Evidence	**5 (0.6%)**	8 (0.6%)	13 (0.6%)
Total	**842**	1 338	2 180

Table 5-6: Breakdown of allegations by nature

5.10 A breakdown of the RC allegations is given in Chart 5-5 followed by a brief analysis of each nature of allegation.

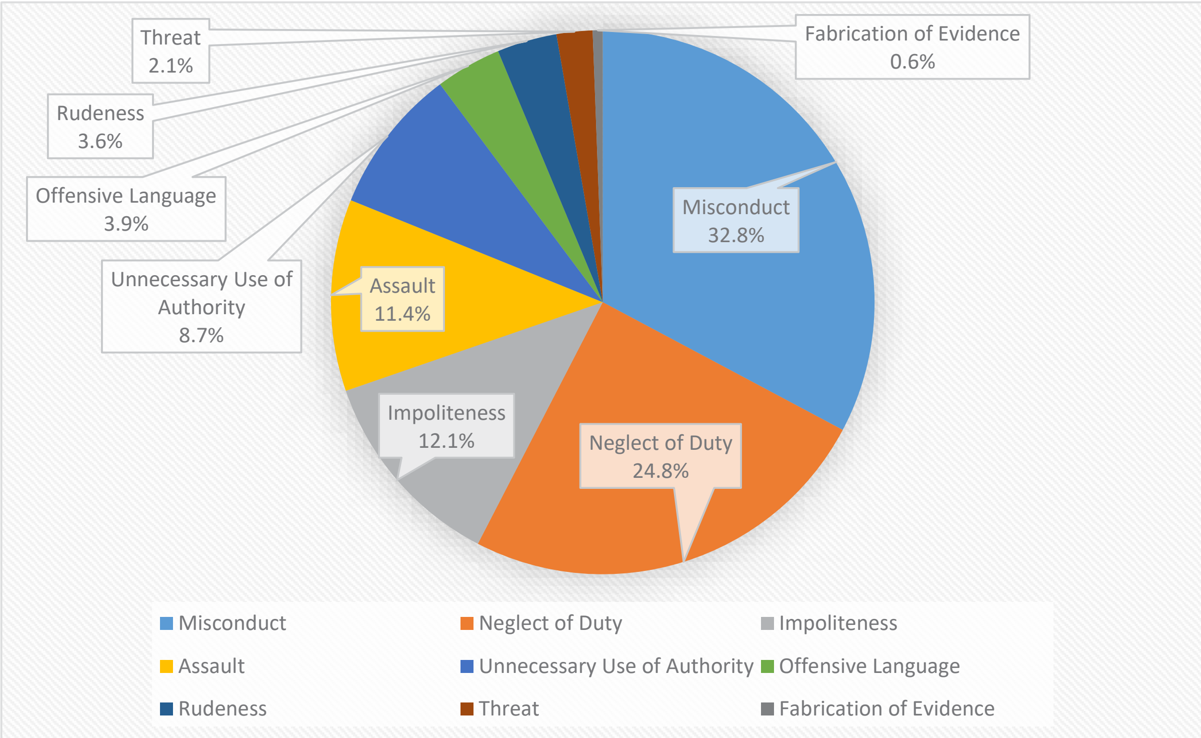


Chart 5-5: Breakdown of RC allegations by nature

Assault

- 96 allegations of "Assault" account for 11.4% of all the RC allegations.
- 83 of the 96 allegations were made by arrested persons, four by reporters, and the remaining nine by other people.
- November 2019 has the highest number of "Assault" allegations (27 allegations). Coincidentally, November 2019 is also the month which has the highest number of persons arrested.
- As to the locations where the alleged "Assault" took place, protest sites and locations of arrest are given in 66 allegations, police stations in 18 allegations, and police vehicles in the remaining 12 allegations.

Unnecessary Use of Authority

- 73 allegations of "Unnecessary Use of Authority" account for 8.7% of all the RC allegations.
- 67 of the 73 allegations concerned Police use of force. A breakdown is as follows:
  - 28 allegations on the use of OC Foam/PAVA Solution;

  - 20 allegations on the use of tear gas;
  - Nine allegations on the hitting, pushing and pulling of civilians;
  - Seven allegations on the use of less lethal projectiles; and
  - Three allegations on the use of SCMV.
- Four allegations concerned searches conducted by police officers, and two allegations on the legality of arrests.
- 34 of the 73 allegations were lodged by reporters, 16 by arrested persons, and the remaining 23 by other people.

Misconduct

- 276 allegations of "Misconduct" account for 32.8% of all the RC allegations.
- 157 of the 276 allegations concerned Police use of force. A breakdown is as follows:
  - 65 allegations about the hitting, pushing and pulling of civilians;
  - 52 allegations on the use of tear gas;
  - 32 allegations on the use of flashlight/laser pens;
  - Five allegations on the use of OC Foam/PAVA Solution;
  - Two allegations about pointing shotguns at civilians; and
  - One allegation on the use of handcuffs.
- 36 allegations concerned the handling of arrested persons. A breakdown is as follows:
  - 14 allegations on the denial of access to lawyers;
  - Nine allegations on police officers' mishandling of mobile phones;
  - Six allegations on the impropriety in statement taking;
  - Three allegations about mistreatment of arrested persons (not about the use of force);
  - Two allegations on the handling of exhibits; and
  - Two allegations about making unnecessary remarks to arrested persons.
- 23 allegations concerned the handling of reporters. A breakdown is as follows:
  - 17 allegations about police officers hindering reporter's work, e.g. blocking cameras;
  - Three allegations about police officers taking photographs of reporters;
  - Two allegations about police officers making unnecessary remarks to reporters; and
  - One allegation about the showing of a reporter's HKID Card in front of a live camera.
- 23 allegations concerned searches conducted by police officers.
- The remaining 37 allegations concerned miscellaneous matters, such as police officers entering shopping malls and residential areas, causing panic and nuisances to civilians, hindering people from lodging complaints against police officers, and poor manners.

Neglect of Duty

- 209 allegations of "Neglect of Duty" account for 24.8% of all the RC allegations.
- 60 of the 209 allegations concerned Police handling of 999 reports and public enquiries.

A breakdown is as follows:

- 34 allegations about police failure to answer "999" calls;
- Nine allegations about police failure to properly handle reports made by members of the public;
- Eight allegations about police failure to answer calls made to Report Rooms;
- Four allegations about police failure to handle public enquiries properly;
- Two allegations about the closure of Report Rooms;
- Two allegations about police officers' failure to provide report reference number to the people who made the reports; and
- One allegation about police officers' refusal to accept a report.

➢ 48 allegations concerned the handling of arrested persons (not about the use of force). A breakdown is as follows:

- 18 allegations about police officers' failure to facilitate arrested persons to find a legal representation;
- 14 allegations about statement taking;
- Eight allegations on the delay of arranging medical treatment;
- Seven allegations were about the failure to caution; and
- One allegation about the failure to declare arrest.

➢ 22 allegations concerned police identification, including the display of warrant card and/or insignia, and the provision of name and unique identification number.

➢ 16 allegations about police officers' failure to give warnings before using tear gas/OC Foam.

➢ 13 allegations concerned searches conducted by police officers.

➢ The remaining 50 allegations concerned miscellaneous matters, such as failure to handle POEs properly, failure to supervise subordinates, failure to protect the public, and closure of roads/MTR stations causing inconvenience to the public.

Impoliteness

➢ 102 allegations of "Impoliteness" account for 12.1% of all the RC allegations. A breakdown is as follows:

- 50 allegations about police officers' manners;
- 37 allegations about police officers making unnecessary remarks; and
- 15 allegations about police officers hanging up calls made to 999 Console or Report Rooms.

Rudeness

➢ 30 allegations of "Rudeness" account for 3.6% of all the RC allegations. These 30 allegations were about the rude gestures of police officers.

Offensive Language

- 33 allegations of "Offensive Language" account for 3.9% of all the RC allegations. These 33 allegations concerned the use of foul language by police officers in their encounter with members of the public.

Threat

- 18 allegations of "Threat" account for around 2.1% of all the RC allegations.
- 16 of these 18 allegations were lodged by arrested persons. Examples included threatening arrested persons to admit offences and using a police dog to threaten arrested persons to provide passwords of their mobile phones.

Fabrication of Evidence

- Five allegations of "Fabrication of Evidence", all lodged by arrested persons, account for 0.6% of all the RC allegations. Allegations included the planting of petrol bombs in an arrested person's rucksack, planting an arrested person's fingerprints on a hammer, and placing an arrested person's hand on a glass bottle.

Tear Gas and other Less-lethal Projectiles

- There are 87 allegations on the use of tear gas, which account for 10.3% of all the RC allegations. 23 of these 87 allegations stemmed from Police action in November 2019, 22 from August 2019, 13 from June 2019, 13 from October 2019 and the remaining 16 from July 2019, September 2019 and December 2019.
- Seven of the allegations were on the use of other less-lethal projectiles. They all stemmed from Police action on six different days.

Display of Police Identity

- There are 32 allegations on the display of police identity, which account for 3.8% of all the RC allegations. A breakdown of these 32 allegations is as follows:
    - 14 allegations about the failure to display warrant cards;
    - Six allegations about police officers refusing to provide their unique identification numbers;
    - Five allegations about the failure to display insignia or warrant cards;
    - Four allegations about police officers refusing to reveal his police identity; and
    - Three allegations about the absence of insignia on uniform.
- Ten of these 32 allegations arose from seven different days in October and the remaining 22 allegations came from six other months with no more than five allegations from one month.

Handling of Arrested Persons

- 241 allegations stemmed from Police handling of arrested persons, which account for 28.6 % of all the RC allegations. A breakdown of these 241 allegations is as follows:
  - 83 allegations of "Assault";
  - 64 allegations of "Misconduct";
  - 40 allegations of "Neglect of Duty";
  - 16 allegations of "Unnecessary Use of Authority",
  - 16 allegations of "Threat";
  - Nine allegations of "Offensive Language";
  - Five allegations of "Fabrication of Evidence";
  - Five allegations of "Impoliteness"; and
  - Three allegations of "Rudeness".
- 65 allegations came from August 2019, 37 allegations from October 2019 and 73 allegations from November 2019. The remaining 66 allegations were scattered among five other months.

Handling of Reporters

- 143 allegations stemmed from Police handling of reporters, which account for 17% of all the RC allegations. 32 of these 143 allegations were lodged by the Hong Kong Journalists Association on behalf of the reporters on 17 June 2019. Another 72 allegations, arising from Police action from June to November 2019, were collectively lodged by Hong Kong Cable Television Limited on 22 November 2019. The remaining 39 allegations were lodged by individual reporters.
- 36 allegations came from June 2019, 30 allegations from September 2019 and 28 allegations from November 2019. The remaining 49 allegations were scattered among five other months.
- 100 of these 143 allegations concerned Police use of force and the remaining 43 allegations were about the manners of police officers, such as using offensive language, shouting at and being impolite to reporters, and hindrance of reporters' work.

General Observations

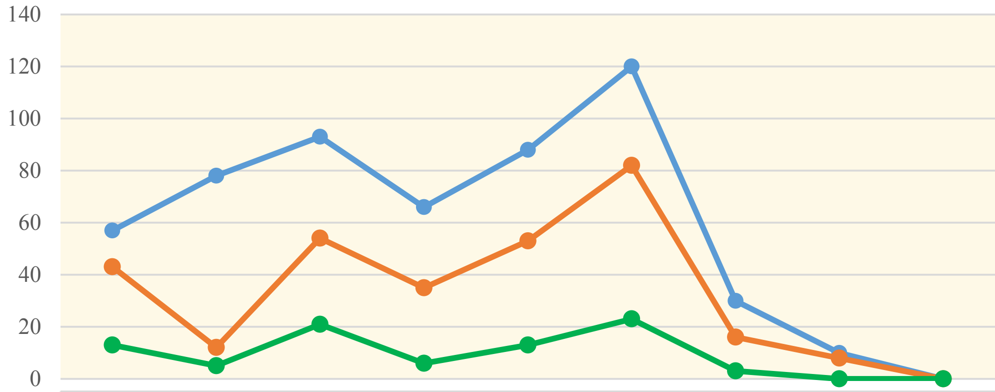
5.11 The IPCC has the following observations on the complaints arising from Police action in the POEs related to the Fugitive Offenders Bill :

(i) In June and July 2019, the number of POEs and clashes between the Police and the violent protesters remained low in comparison with those from August 2019 onwards, but the number of RCs arising from each incident in these two months was higher

than those from August 2019 onwards. There were 23 RCs on 9 June 2019, 27 RCs on 12 June 2019 and 53 RCs on the "Yuen Long Incident" on 21 July 2019. From August to November 2019, the monthly highest were noticeably lower, 13 RCs on 4 August 2019, 11 RCs on 29 September 2019, 17 RCs on 13 October 2019, and 16 RCs on 2 November 2019.

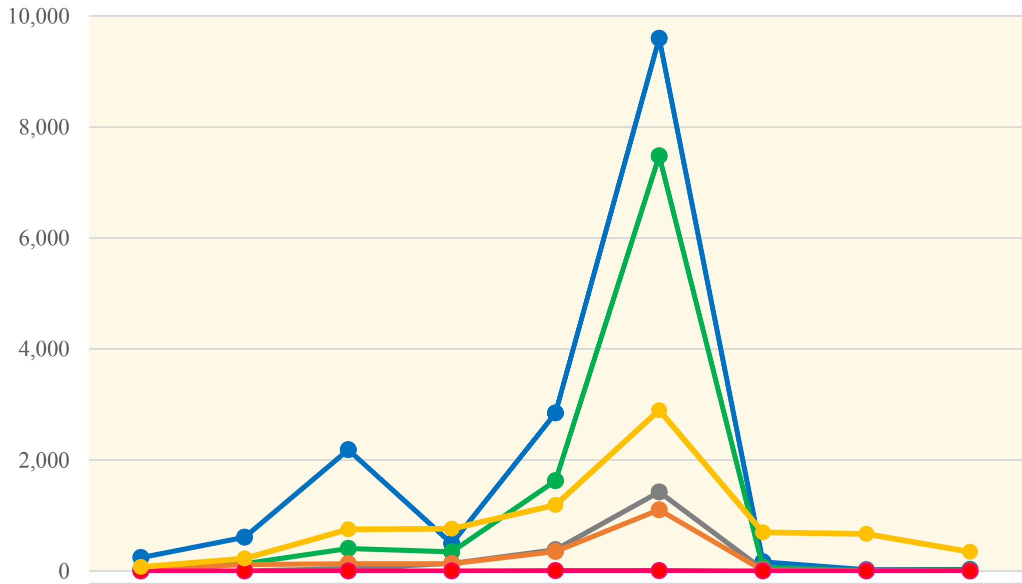
(ii) From August 2019 onward, the frequency, scale and violence of POEs continued to escalate. The number of RCs, however, did not increase correspondingly. Referring to the figures in (i) above, the POEs that gave rise to the RCs on 9 and 12 June 2019 took place in an area that could be demarcated and the level of violence was significantly lower, whereas the POEs on 4 August 2019, 29 September 2019, 13 October 2019 and 2 November 2019 were territory-wide and level of violence was alarming.

(iii) Chart 5-6 gives the figures on police use of weapons and arrests made by the Police. Chart 5-7 provides the figures of RCs in general and RCs stemming from Police use of force and use of tear gas.



	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
Number of RCs	57	78	93	66	88	120	30	10	0
Number of RCs on use of force	43	12	54	35	53	82	16	8	0
Number of RCs on use of tear gas	13	5	21	6	13	23	3	0	0

Chart 5-6: Figures of RCs in general and RCs stemming from Police use of force



	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20
Tear gas	240	608	2,187	492	2,848	9,597	166	24	29
Rubber round	19	134	405	348	1,625	7,479	66	9	15
Super sock round	3	3	43	139	386	1,425	27	6	1
React round	33	114	130	132	350	1,104	10	7	0
Live round	0	0	3	1	7	8	0	0	0
Number of arrests	73	224	751	764	1,189	2,899	698	669	346

Chart 5-7: Police use of weapons and arrests made by the Police

It is apparent that the two charts look very similar. The rise and fall of the number of RCs and NCs correspond closely with the use of police weapons and the number of arrests made by the Police. Increase in the complaints arising from the use of police weapons naturally led to increase in the number of RCs and NCs. However, it does not account for all of the increase in the number of RCs and NCs. There is also an increase in complaints concerning police officers' manners, handling of arrested persons and encounters between police officers and civilians. The increase in the use of police weapons and the number of arrests reflect the increase in the number of POEs, and correspondingly the increase in the encounters between police officers and protesters as well as members of the public.

(iv) Although a number of incident days attracted much public attention, such as the "Prince Edward Station Incident" on 31 August 2019, the clashes at the Chinese University of Hong Kong on 12 and 13 November 2019 and at the Hong Kong Polytechnic University on 17 and 18 November 2019, these incident days did not generate many RCs.

(v) A number of events were widely discussed on the media and on the internet with serious allegations against the Police, such as a female being shot in the eye outside Tsim Sha Tsui Police Station on 11 August 2019 and other females being allegedly sexually assaulted at San Uk Ling Holding Centre and police stations, the purported victims did not come forward to lodge a complaint.

<u>IPCC's Handling of Complaints</u>

5.12 As mentioned above, investigation reports on all RCs will be submitted to the IPCC for scrutiny and endorsement after CAPO complete their investigation. Upon conclusion of a RC investigation, allegations would be classified, on the balance of probabilities, as in Table 5-7 below:

Classification	**Definition**
Substantiated	There is sufficient reliable evidence to support the allegation made by the complainant.
Substantiated Other Than Reported	Matters other than the original allegations but which are closely associated with the complaint itself and have a major impact on the investigation have been identified and are found to be substantiated.
Not Fully Substantiated	There is some reliable evidence to support the allegation made by the complainant, but insufficient to fully substantiate the complaint.
Unsubstantiated	There is insufficient evidence to support the allegation made by the complainant.
False	There is sufficient reliable evidence to indicate that the allegation made by the complainant is untrue, be it - ➢ a complaint with clear malicious intent; or ➢ a complaint which is not based upon genuine conviction or sincere belief but with no element of malice.
No Fault	The allegation is made either because of a misinterpretation of the facts or a misunderstanding; or when there is sufficient reliable evidence showing that the actions of the officer concerned were fair and reasonable in the circumstances, done in good faith or conformed to police regulations and orders made under the Police Force Ordinance (Cap. 232).
Withdrawn	The complainant does not wish to pursue the complaint made.[8]

[8] Where complainants themselves have withdrawn their complaints, the IPCC will ensure that no undue influence has been exerted on the complainants. A complainant's withdrawal does not necessarily result in the case being classified as "Withdrawn". The IPCC and CAPO will examine the available evidence to ascertain whether a full investigation is warranted despite the withdrawal and/or whether any of the allegations are substantiated on the basis of the information available.

Classification	Definition
Not Pursuable	The identity of the officer(s) being complained against cannot be ascertained; or when it has not been possible to obtain the co-operation of the complainant to proceed with the complaint investigation.[9]
Informally Resolved	The Informal Resolution (IR) scheme aims at a speedy resolution of minor complaints, such as allegations of impoliteness or use of offensive language, the nature of which is considered as relatively minor. A minor complaint suitable for IR will not be subject to a full investigation. Instead, a senior officer, at least at the rank of Chief Inspector of Police, will act as the Conciliating Officer who will make enquiry into the facts of a complaint with the complainant and complainee separately. IR will only be adopted if the complainant agrees to this.
Curtailed	A complaint has been registered with CAPO but on the authorisation of the Chief Superintendent (Complaints and Internal Investigations Branch), is curtailed, i.e. not to be investigated further, owing to special circumstances such as known mental condition of the complainant.

Table 5-7: Classifications of allegations

5.13 Given the public concern over Police handling of the POEs arising from the Fugitive Offenders Bill, all relevant RCs are overseen by the IPCC's Serious Complaints Committee with all CAPO's interviews and onsite collection of evidence monitored by the IPCC's Observers Scheme to ensure the process has been conducted in a fair and impartial manner.

5.14 As at 31 March 2020, the IPCC has received the investigation reports of 158 RCs. On RCs which investigation reports have not been submitted, 84 RCs were under Sub-Judice

[9] The definition does not mean that when the complainant cannot identify the complainee, no further action will be taken. CAPO will still make an effort to identify the complainee on the basis of the information available. Only after such an effort produces no result will a conclusion be reached that the identity of the complainee cannot be ascertained. If a complaint has been classified as "Not Pursuable" because of the lack of cooperation of the complainant, the complaint may be reactivated later as and when the complainant comes forward to provide the necessary information.

procedures and would be investigated by CAPO upon conclusion of relevant legal procedures. Hence, the resolution of these 84 RCs would take a longer time than other RCs that were not under Sub-Judice procedures. The remaining RCs were under CAPO's processing.

5.15 Among the 158 reports received by the IPCC, 30 were fully investigated, 67 were "Withdrawn", 55 were "Not Pursuable", and six were "Informally Resolved".

5.16 The IPCC has endorsed the investigation result of two "Withdrawn" reports, one on 22 January 2020 and another on 4 March 2020. Of the remaining 156 reports, 90 were under the IPCC's examination, while the other 66 were pending CAPO's reply to the IPCC's queries. The IPCC has raised 77 queries on CAPO's investigation reports.

CHAPTER 6

POLICE USE OF FORCE IN PUBLIC ORDER POLICING

Introduction

6.1 In public order policing in Hong Kong, the legal basis for use of force by the Police is, apart from common law, mainly found in the Police Force Ordinance (PFO) and Public Order Ordinance (POO). These statutory provisions are incorporated into the Police operational guidelines, particularly the Police General Orders (PGO) and the Force Procedures Manual (FPM). The purpose of such guidelines is to set out fundamental principles for public order policing and provide practical guidance to ensure force applied by every police officer is always within the ambit allowed by the law.

6.2 In the series of Public Order Events (POEs) since 9 June 2019, the Police used various levels of force in handling numerous incidents where protesters had breached the peace, blocked roads and resorted to increasing degrees of violence with substantial destruction to both public and private property. In many cases, protesters attacked those people taking different views or thought to have come from the Mainland, thus threatening the personal safety of those people (as to this, please see the Overview (Chapter 4)). In the wake of the POEs, there have been 303 Reportable Complaints and 417 Notifiable Complaints against the Police concerning use of force.[1]

6.3 Among various types of use of force, the public has been particularly concerned about the extensive use of tear gas by the Police. According to the Police, between 12 June 2019 and 29 February 2020, a total of 16 191 rounds of tear gas have been used in handling the series of POEs. There is general public concern that tear gas may linger in the air for a time after use and would have adverse effect on the health of those exposed to it, especially when the tear gas is used in busy streets or densely populated areas surrounded by buildings (including residential blocks and schools). For instance, on 12 November 2019, the Police fired 2 330 canisters of tear gas at The Chinese University of Hong Kong (CUHK) and on 18 November 2019, 3 293 canisters at The Hong Kong Polytechnic University (PolyU).[2] The two universities subsequently published reports by independent accredited laboratories that the

1 Figures as of 29 February 2020.

2 RTHK (2019-12-09). 警方過去半年反修例示威中共用 29863 發彈藥. Retrieved from https://news.rthk.hk/rthk/ch/component/k2/1496800-20191209.htm?archive_date=2019-12-09

residual effect of tear gas was within internationally accepted levels.[3] [4] In the light of the public concern, the effect on health from tear gas is discussed in this Chapter.

6.4 The purpose of this Chapter is firstly, to set out the principles of law and police practices governing the use of force in public order policing, so as to inform the IPCC in its on-going work to consider the results of investigations by the CAPO of Reportable Complaints under section 8(1)(a) of the IPCC Ordinance. Secondly, the opportunity is taken to make certain observations as the basis for recommendations to the Commissioner of Police (Commissioner) and the Chief Executive, pursuant to the IPCC's statutory remit under section 8(1)(c) of the IPCC Ordinance. Thirdly, it is hoped that the information in this Chapter, would assist the public in understanding the principles governing the use of force by the Police in performing their duties where violent protests have occurred in the streets of Hong Kong.

Statutory Provisions on Use of Force

Duties Conferred on the Police

6.5 The first seven items in section 10 of the PFO sets out the following duties of the Police Force:

(a) Preserving the public peace;
(b) Preventing and detecting crimes and offences;
(c) Preventing injury to life and property;
(d) Apprehending all persons whom it is lawful to apprehend and for whose apprehension sufficient grounds exists;
(e) Regulating processions and assemblies in public places and places of public resort;
(f) Controlling traffic upon public thoroughfares and removing obstructions therefrom;
(g) Preserving order in public places and places of public resort, at public meetings and in assemblies for public amusements, for which purpose any police officer on duty shall have free admission to all such places and meetings and assemblies while open to any of the public.

[3] CUHK. Sampling and Testing Results of Harmful Chemicals on Campus. Retrieved from http://www.cuhk.edu.hk/english/whats-on/focus/campus-env-result.html

CUHK. Soil samples (#1 – #12) taken on 15/11/2019. Retrieved from http://www.cuhk.edu.hk/english/images/whats_on/inner/cuhk-env-samples/documents/soil_p_dioxins.pdf

CUHK. Soil samples (S1 – S9) taken on 19/11/2019. Retrieved from http://www.cuhk.edu.hk/english/images/whats_on/inner/cuhk-env-samples/documents/soil_dioxins.pdf

[4] POLYU. Appendix II First Batch of Test Results for Environmental Contamination on Campus. Retrieved from https://www.polyu.edu.hk/web/cpa/notice/Appendix_II_Eng.pdf

POLYU. Appendix II: Test Results on Air Samples Collected on PolyU Campus. Retrieved from https://www.polyu.edu.hk/web/filemanager/common/mediarelease/20200103/Appendix_II_20200103_En.pdf

6.6 In this connection, the ordinance confers on the Police certain powers to discharge these duties, including the use of force. All powers are, however, only exercisable within the limits defined by the laws. Police officers may only use force when the circumstances so warrants. In the POEs since June 2019, the Police has had to resort to the use of force to maintain law and order in the event of breach of the peace, rioting, destruction of property, attack of police officers with weapons. When persons under arrest resisted violently, police officers have had to use force as circumscribed by law.

6.7 In addition to the above powers to use force, any police officer has the right to defend himself, his colleagues and others from harm. This power of self-defence also applies to the protection of property from harm.

6.8 These powers on the use of force will be further explained in the paragraphs below.

Powers of Arrest - Use of Force in Effecting Arrest

6.9 Section 50(1) of the PFO prescribes the powers of arrest. In particular, section 50(2) provides that if any person who may lawfully be apprehended forcibly resists the endeavour to arrest him or attempts to evade the arrest, a police officer "may use all means necessary to effect the arrest". This includes the use of reasonable force in the apprehension of the offender.

Powers in Relation to Preserving Public Order and Use of Force

6.10 Section 17(3) of the POO empowers a police officer to apply reasonably necessary force to prevent the holding of, stop or disperse any public meeting, procession or gathering if he or she reasonably believes that the gathering is likely to cause or lead to a breach of the peace. Section 45 states that any police officer may use such force as may be necessary to prevent crime, arrest suspects and overcome resistance of lawful execution of the powers under the Ordinance.[5] However, section 46(1) limits the degree of force to be not greater than is reasonably necessary for the intended purpose. Section 46(3) further confers immunity on members of the Police Force in the lawful use of force within the limits set out in sections 45 and 46(1). Thus, the legal provisions circumscribing the use of force in effecting arrest and management of public order events are legion.

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[5] Section 45 of the POO provides that:
Without prejudice to any other powers conferred by this Ordinance, any police officer may use such force as may be necessary—
(a) to prevent the commission or continuance of any offence under this Ordinance;
(b) to arrest any person committing or reasonably suspected of being about to commit or of having committed any offence under this Ordinance; or
(c) to overcome any resistance to the exercise of any of the powers conferred by this Ordinance.

General Principles for These Provisions

6.11 Whenever force is used by the Police, the following general principles are clear from the above statutory provisions:

(a) The use of force must be in the course of performance of a police duty – in other words, the objective must be the lawful discharge of police duty; and

(b) The use of force must not be more than reasonably necessary in achieving that lawful objective and should cease when that objective is achieved.

6.12 Furthermore, underpinning the law is the principle of personal accountability. If any police officer exceeds the bounds of the limit of the law in the application of force, he is personally accountable. A recent case can be found in the decision of the Court of Final Appeal: *HKSAR v Chu Frankly* [2019] HKCFA 5 (FAMC No. 56 of 2018) where the Court upheld the finding that a superintendent's use of force was unjustified and therefore the conviction against him should stand. Paragraph 15 of the judgement summarised the relevant statutory provisions as follows:

> *"…… section 45 of the Public Order Ordinance*[6] *authorizes police officers to use "such force as may be necessary" to prevent the commission or continuance of an offence under the Ordinance; to arrest someone committing or reasonably suspected of being about to commit, etc., such offence; or to overcome any resistance to the exercise of the powers conferred by the Ordinance. Section 46(3) exempts persons who use "such force as may be necessary for any purpose, in accordance with the provisions of" the Ordinance from liability for causing injury or death or damage to property. And section 46(1) limits the force which may be lawfully used:*
>
> *"Whenever in this Ordinance it is provided that such force as may be necessary may be used for any purpose, the degree of force which may be so used shall not be greater than is reasonably necessary for that purpose."*

<u>Doctrine of 'Self Defence' of Person and Property under Common Law</u>

6.13 Apart from using force for effecting arrest and restoring public order, an officer, like any other person in a critical situation, would be entitled to use reasonable force for the

6 Cap. 245 of POO

protection of himself or others. It is a defence under common law to a complaint of assault that the officer was in fact acting in self-defence[7] or the defence of another person[8] or property[9] provided no more was done than was necessary for such defence. Anyone under attack, whether or not a police officer, may be entitled to do more than merely ward off blows and may, depending on the circumstances, even strike first to defend himself.[10] Of course, the defensive response must be proportional to the attack and there must be an imminent threat of harm.[11]

6.14 The test of whether or not an officer acted justifiably in self-defence is partly objective and partly subjective - whether the officer actually and honestly believed that he was compelled to act as he did in order to defend himself, and whether, in all the circumstances, his response was reasonable.[12] The officer is entitled to use such force as is reasonable in the circumstances as he genuinely believes them to be.[13] The essence of the defence is the honestly held belief of the officer as to the facts.[14] Account is taken of the state of mind of the officer and whether the officer actually believed that he was in danger and compelled to act in the manner that he did, and whether in all the circumstances that was reasonable.[15] Controversial cases would be subject to public scrutiny as to whether or not the amount of force used was reasonable in the circumstances in which the officer believed himself to be in.[16] If self-defence is raised as a defence, it is for the prosecution to prove the accused was not so acting.[17]

6.15 The common law defence of self-defence is a straightforward concept that can readily be understood involving no complex legal thought.[18] Common sense will judge what is reasonably necessary. Of course, the merits of each case will depend upon the particular facts and circumstances.

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7 R v Deana (1909) 73 JP 255, 2 Cr App Rep 75 (CCA)
8 Kwaku Mensah v R [1946] AC 83 (PC); Cachay v Nemeth (1972) 28 DLR (3d) 603
9 Hall v Gerard (1626) Lat 20, 82 ER 254; Jones v Tresilian (1670) 1 Mod Rep 35, 86 ER 713; Oakes v Wood (1837) 2 M & W 791, 150 ER 1995; R v Hussey (1924) 89 JP 28, 18 Cr App Rep 160 (CCA). Right to retake goods: Blades v Higgs (1861) 10 CBNS 713, 142 ER 634
10 R v Deana (1909) 73 JP 255, 2 Cr App Rep 75 (CCA)
11 Para 20-45, Archbold Hong Kong Criminal Law Pleading Evidence & Practice, 2020
12 Ibid
13 R v Man Wai-keung [1992] 1 HKCLR 89 ; Palmer v R [1971] AC 814 , PC
14 Para 20-44A, Archbold Hong Kong Criminal Law Pleading Evidence & Practice, 2020
15 Palmer v R [1971] AC 814, [1971] 1 All ER 1077 (PC) ; R v Chan Ming [1975] HKLR 666, [1975] HKCU 62 (CA); R v Shannon (1980) 71 Cr App Rep 192 (CA, Eng); R v Whyte [1987] 3 All ER 416, 85 Cr App Rep 283 (CA, Eng); Beckford v R [1988] AC 130, [1987] 3 All ER 425 (PC) ; R v Man Wai-keung [1992] 1 HKCLR 89, [1992] HKCU 387 (CA) ; R v Leung Yuet-man [1991] 1 HKLR 300, [1991] HKCU 351 (CA) ; R v Cheung Kwok-wai [1997]HKCU 689 (unreported, No 271/1996, 18 April 1997) (CA); Comr of Police v Coroner of Hong Kong [1997] 1 HKLRD 509, [1997] HKCU 1100 (HC)
16 R v Martin (2001) Times, 1 November (CA, Eng)
17 HKSAR v Osunwoke, MA no. 369 OF 2017, [2018] HKCFI 672
18 Palmer v R [1971] AC 814 , PC, Lord Morris stated at 831

HKPF Guidelines

6.16 For operational purposes, the Police has a set of guidelines for the use of force based on the relevant legal principles. The guidelines are set out in the PGO and the FPM. These guidelines seek to encapsulate the legal principles set out above.

General Principles

6.17 The PGO are made by the Commissioner under section 46(1) of the PFO. The PGO applies to all police officers. They are mandatory and any non-compliance would render an officer liable to disciplinary action. Similarly, the FPM contains information, advice and guidelines on police procedures. They are practice manuals based on the PGO.

6.18 Chapter 29 of the PGO and the FPM concern the use of force. In the reply of the S for S to a LegCo Question on 19 June 2019, the use of force pursuant to Chapter 29 of PGO was mentioned as follows:

> "*[t]he Police have established guidelines on the use of force. Police officers may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers shall give verbal warning prior to the use of force as far as circumstances permit, while the person(s) involved shall be given every opportunity, where practicable, to obey police orders before force is used.*"[19]

6.19 In gist, officers may use only minimum force necessary to achieve the purpose and once that purpose has been achieved, they should cease using force. Force used must also be reasonable in the circumstances. To illustrate the corresponding levels of control to be adopted in response to the different levels of resistance put up by a subject, the Police Force provides guidance to their officers by way of a set of principles set out in what it calls the Use of Force Continuum (Force Continuum) in Chapter 29 of the FPM.

Force Continuum

6.20 The Force Continuum provides guidance on a series of closely linked escalating or de-escalating options of force to be considered by a police officer, ranging from the mere presence of the officer to the use of firearms in response to six levels of resistance, i.e. from psychological intimidation to deadly force assault. The Force Continuum is incorporated into the training of

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19 Government Press Releases (2019-06-19): LC Urgent Question 1: Use of force by police officers in demonstrations. Retrieved from https://www.info.gov.hk/gia/general/201906/19/P2019061900469.htm

all police officers from the beginning of their foundation training and continues throughout their career. It is also revised from time to time to cope with changing circumstances in the community.

6.21 The principle behind the Force Continuum is to enable a police officer to respond to different levels of aggression (defined as "level of resistance") encountered in the course of law enforcement by use of the minimum level of force necessary to achieve the law enforcement objective. The Force Continuum defines six levels of resistance, by increasing levels of severity. For each level of resistance, the Force Continuum tabulates definitions, levels of control and options available.

6.22 In the latest version of the Force Continuum revised on 2 October 2019, the terminology, definitions, levels of control and options available at the fourth and fifth levels are all amended. For instance, in the fourth level of control in the revised Force Continuum, a number of irritant agent devices are added as options available to police officers. Less lethal weapons like super sock round, react round and more irritant agent devices than those stated in the fourth level are added to the fifth level in the revised Force Continuum. Besides, for the severest level, i.e. the sixth level of control, under which the use of firearms is available, the definition of "deadly force assault" is amended from "assaults intended to cause death or serious bodily injury" to "assaults to cause or likely to cause death or serious bodily injury". In other words, under the revised Force Continuum, when an officer is under "assaults to cause or likely to cause death or serious bodily injury", use of firearm might be one of the options available provided that the general principles of use of force are followed.

6.23 The Police believes that the revised definitions would enable officers to make assessments more easily and objectively in response to aggression encountered in the course of law enforcement.

6.24 The underpinning principle of the Force Continuum is the concept of personal accountability, contained in the remark that police officers "*should exercise their own discretion to determine what level of force is justified in a given situation…..*" The appropriate level of force to be adopted depends on the level of resistance of the subject, as judged by the officer in his/her perception of the threat and the circumstances at the time. The Force Continuum recognises that an officer would be justified to use a level of force greater than that of the subject in order to apprehend the subject or control the situation. The overall underlying principle is to use the minimum force necessary to achieve the lawful purpose. Meanwhile, the fundamental principle of personal accountability is that officers on the ground should exercise their own judgement to determine what level of force is justified in a given situation and the officers would be accountable for their own actions.

6.25 In relation to the use of firearms at the sixth level, there is a specified review procedure under PGO 29-05 – "Police Open Fire – Reporting and Investigation" which stipulates the submission of reports from different levels of commands at different prescribed periods. Such reports are eventually submitted to the Director of Operations for consideration.

Use of Force from 9 June 2019 to 29 February 2020

6.26 As can be seen from the POEs to date, the Police, faced with the aggressive violence accompanying the protests, have used force up to the sixth level as circumstances required. The use of force is to be in response to aggression encountered when the Police is called upon to maintain law and order, such as breach of the peace, rioting, destruction of property, arson, and in self-defence when police officers were attacked with weapons. Readers are referred to the Overview (Chapter 4) and chapters on individual incidents (Chapters 7 - 12) for an understanding of the scale and depth of the violence accompanying the protests.

6.27 Regarding the use of firearms in the sixth level, as at 29 February 2020, 19 live rounds were fired in 12 incidents involving 13 officers.[20] Live shots were fired only when officers in the course of operations became isolated into a single officer or a small group of officers and were attacked by aggressive protesters with potentially lethal weapons or when they perceived that the attackers attempted to snatch their service pistols. Majority of the shots were warning shots, while three of the attackers were actually shot, one in the left chest, one in the left thigh and the other in the upper abdomen.[21] Details of the firearms used on each occasion as reported by the Police are in Annex 1 to this Chapter.

6.28 With regard to police firing of warning shots, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement[22] on the specific risks of use of Kinetic Impact Projectiles states that *"the firing of kinetic projectiles from the air or from an elevated position, such as could occur during an assembly, is likely to increase their risk of striking protesters in the head. Targeting the torso may cause damage to the vital organs and there may be penetration of the body, especially, when projectiles are fired at close range. The calibre and velocity of the projectiles, as well as the material of their construction, will also affect the likelihood and seriousness of injury."* Similarly, the guidelines of Amnesty International[23] state that the decision on whether or not to fire a warning shot has to be weighed

20 Information provided by HKPF.

21 Ibid. One officer fired one shot in Tai Ho Road on 1 October 2019. One officer fired one shot in Tai Tong Road Yuen Long on 4 October 2019. One officer fired 3 shots in Sai Wan Ho, Shau Kei Wan on 11 November 2019

22 Paragraphs 7.5.3 and 7.54 United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Retrieved from https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf

23 Use of Force, Guidelines for Implementation of the UN Basic Principles on the use of force and firearms by

against "*the protection of third persons : when firing a warning shot in the air, the bullet will come down with a potentially lethal velocity at quite a distance from the place of firing. Its trajectory cannot be controlled so there is no way of knowing whether it will accidentally hit somebody. When warning shots are fired onto the ground or horizontally in any direction there is a high risk of potentially lethal ricochets, especially where the ground or walls consist of solid materials such as brick or concrete….*".

6.29 The Police also stipulates in the FPM to remind police officer to take careful evaluation when opening fire in a crowded area that may put bystanders at risk. According to the abovementioned guidelines, firing of warning shots is not advisable, especially in a crowded area.

6.30 Regarding the Police's use of live rounds, it is governed by PGO 29 which stipulates that under life threatening situation, police officers may discharge a firearm to protect themselves or any other persons. In addition, police officers may discharge a firearm to quell a riot or insurrection, provided that no lesser degree of force can achieve the purpose.

6.31 Over the past months throughout the POEs, it has not been uncommon to see extreme violent scenes in the streets with police officers being attacked, for instance, violent protesters throwing petrol bombs at police officers and police vehicles from a close distance[24] or from height[25]. Under such critical situation, the police officers were indeed under life threatening situation and would be justified to discharge their firearms to save their own lives and that of other colleagues, and to quell the riot and insurrection according to the aforementioned use of force guidelines and the common law principle of self-defence as discussed in paragraphs 6.13-15. Nevertheless, it is observed that police officers had exercised restraint in the use of firearms throughout the POEs.

6.32 The table and chart below show the monthly and accumulative use of different types of ammunition by the Police from June 2019 to February 2020.[26] Readers may refer to Chart 4-1 of the Overview (Chapter 4) for a composite view to these figures in connection with the major POEs happened since June 2019.

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law enforcement officials, Amnesty International. Retrieved from https://www.amnestyusa.org/files/amnesty_international_guidelines_on_use_of_force-2.pdf

24 YouTube (2019-09-15). 【915 行街】示威者向灣仔站內投擲汽油彈. Retrieved from https://www.youtube.com/watch?v=xfI0beeKE54

25 HK01 (2019-08-25). 【825 荃葵青遊行】有人從高處向警員投擲汽油彈 腳邊閃爆險中招. Retrieved from https://www.hk01.com/政情/367821/825 荃葵青遊行-有人從高處向警員投擲汽油彈-腳邊閃爆險中招

26 Information provided by HKPF.

Date	Types of ammunition				
	Tear gas	**Rubber round**	**Super Sock round**	**React round**	**Live round**
June 2019	240	19	3	33	0
July 2019	608	134	3	114	0
August 2019	2 187	405	43	130	3
September 2019	492	348	139	132	1
October 2019	2 848	1 625	386	350	7
November 2019	9 597	7 479	1 425	1 104	8
December 2019	166	66	27	10	0
January 2020	24	9	6	7	0
February 2020	29	15	1	0	0
Total	16 191	10 100	2 033	1 880	19

Table 6-1: The monthly use of different types of ammunition by the Police between June 2019 and February 2020 *(Source: HKPF)*

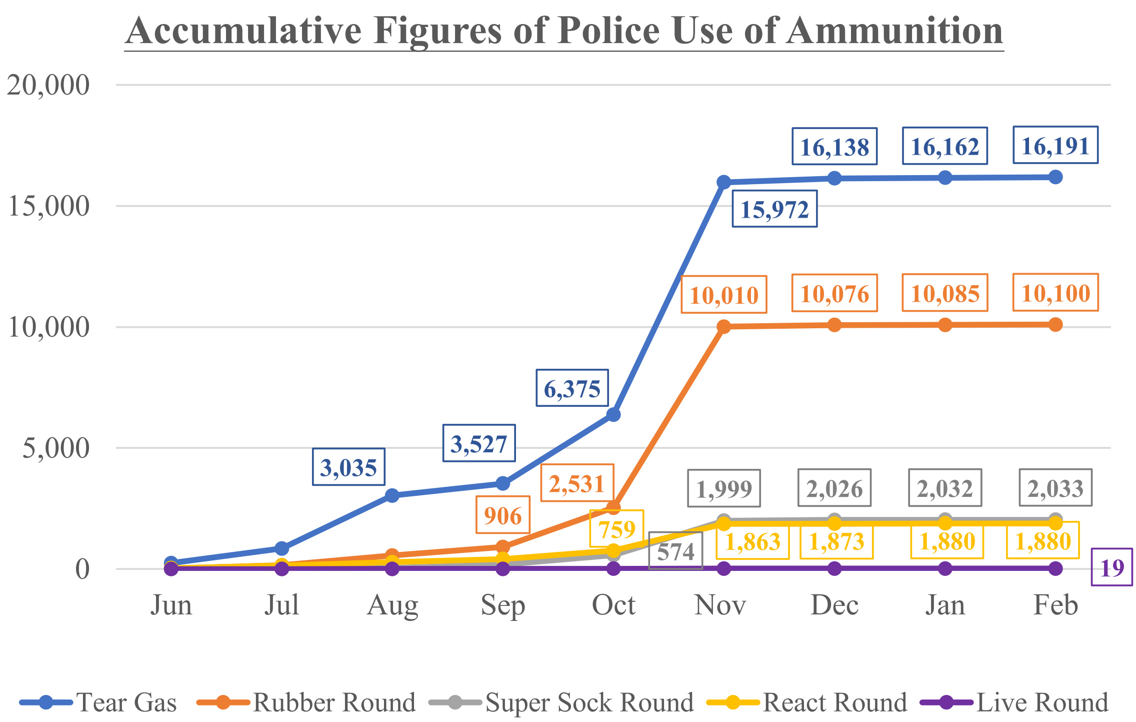


Chart 6-1: Accumulative figures of Police use of different types of ammunition (June 2019 to February 2020)

Injuries Sustained in POEs from 9 June 2019 to 29 February 2020

6.33 According to the Hospital Authority as at 25 November 2019, a total of 2 615 casualties were related to the series of POEs since 9 June 2019. Among this number, over 590 police officers[27] have been injured and a number of persons who were attacked by protesters. The three protesters who were shot by police officers have all been discharged from hospital. According to the best information collected under this Study, the only fatality caused by the violence in the POEs was that a 70-year old man who was fatally hit in the head by a brick hurled at him in the midst of a confrontation between the violent protesters and a group of local residents.

Arrests Made from 9 June 2019 to 29 February 2020

6.34 As at 29 February 2020, a total of 7 613 persons have been arrested with 1 206 charged. Among those charged, 559 persons have been charged in Court with "Riot" (section 19 of POO) while 143 with "Unlawful Assembly" (section 18 of POO)

Management of the Use of Force

6.35 The use of force is, however, only one facet in policing operation. All police operations require prior planning duly informed by intelligence, and executed with a command structure deemed appropriate to the circumstances. The general objective of each police operation is to prevent crime or ensure that crime observed does desist, and attention is also given to ensure officers and public and private property are protected from harm. In addition to blockage of roads and disablement of transport infrastructure, aggressive attacks against police officers and destruction of public and private property took place during the POEs since June 2019, with the most aggressive actions taking place in October and November 2019. To maintain law and order, protect property and prevent harm to officers and others, force sometimes has to be used within the limits of the law.

6.36 It is the Police policy to review the use of force after each operation. In this context, a count of the weapons used is always made after each operation. Officers at all levels have to account personally for the use of force, when a complaint is made or where their actions in operations are observed by supervisors to require investigation. Supervisors at all levels are duty-bound to manage their subordinates in accordance with Force regulations and are held accountable for their supervisory duties.

[27] Information provided by HKPF

Use of Force in Comparable Jurisdictions

6.37 The IPCC believes that the study of the use of force by the Hong Kong Police would not be complete without at least a cursory study of the "Use of Force Principles" in comparable international jurisdictions, so that the Police guidelines may be compared. Comparable jurisdictions include the United Kingdom (UK), the United States (US), Australia and Canada, where the common law forms the backbone of their legal systems. They are all developed countries and their legal standard is substantially identical with that of Hong Kong. All four jurisdictions are signatories to the International Covenant on Civil and Political Rights (ICCPR)[28] and are bound by the same human rights instrument. They are committed to taking all necessary measures to give effect to the rights recognised in the ICCPR. Any disproportionate or unnecessary use of force may constitute a violation of ICCPR in these jurisdictions as it is in Hong Kong.[29]

6.38 In these jurisdictions, their local laws basically prescribe the principles on the use of force. In general, use of force should be reasonable, necessary and/or proportionate with due regard to the particular circumstances. The principles in these jurisdictions are summarised below:

[28] ICCPR is a multilateral treaty adopted by the United Nations General Assembly. Parties to the covenant commit to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, etc. The ICCPR is incorporated into the Hong Kong Law through the Hong Kong Bill of Rights.

[29] Article 6 – right to life and Article 7 – prohibits torture and cruel, inhuman or degrading punishment.

Jurisdiction	Use of Force Principles
UK	Law **Reasonable force if necessary** *(section 117 of Police and Criminal Evidence Act 1984)* Manual / Guidelines **Reasonable and proportionate** *(College of Policing - Authorised professional practice[30])*
New York, US	Law **Objectively reasonable** *(Graham v. Connor 490 U.S. 386 (1989))* Manual / Guidelines **Reasonable under the circumstances** *(NYPD Use of Force Policy[31])*
Melbourne, Australia	Law **Reasonable, necessary and proportionate to the circumstances** *(section 462A, Crimes Act 1958)* Manual / Guidelines **Minimum amount reasonably necessary** *(Victoria Police Manual[32])*
Toronto, Canada	Law **Proportionate, and reasonably necessary, in the circumstances.** *(sections 26 & 27 of Criminal Code)* Manual / Guidelines **Proportionate and reasonably necessary in the**

30 College of Policing. Authorised Professional Practice. Retrieved from https://www.app.college.police.uk/app-content/public-order/core-principles-and-legislation/police-use-of-force/

31 New York City Police Department (2016). Annual Use of Force Report 2016. Retrieved from https://www1.nyc.gov/assets/nypd/downloads/pdf/use-of-force/use-of-force-2016.pdf

32 Victoria Police. Victoria Police Manual.

Jurisdiction	Use of Force Principles
	circumstances *(Ontario Use of Force Model & Toronto Police Service Procedures 15-01[33])*

United Kingdom

6.39 We look at not only the law of the abovementioned jurisdictions but also their assurance of compliance with their legal standards in practice. In terms of practical guidelines in the UK, "Authorised Professional Practice" (APP) developed by the College of Policing is an official source of professional practice on policing. The general principle for police use of force is reasonableness and proportionality. In the case of conduct contrary to the principle, the officers would be open to criminal or misconduct proceedings. In order to identify the proper considerations governing the use of force and to guide actions according to the law, the advice from a Queen's Counsel given to Her Majesty's Inspectorate of Constabulary (HMIC)[34] has been incorporated in the APP. This obliges officers to ask themselves **three core questions** and to act according to their answers:

(a) Would the use of force have a lawful objective and, if so, how immediate the grave is the threat posed?

(b) Are there any means, short of the use of force, capable of attaining the lawful objective identified?

(c) Having regard to the nature and gravity of the threat, and the potential for adverse consequences to arise from the use of force, what is the minimum level of force required to attain the objective identified, and would the use of that level of force be proportionate or excessive?

6.40 As for accountability, there is a clear public order command structure in the APP.[35]

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33 Toronto Police Service (2014). Police encounters with people in crisis. Retrieved from https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf

34 Her Majesty's Inspectorate of Constabulary (HMIC) was replaced by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in summer 2017.

35 College of Policing. Authorised Professional Practice. Retrieved from https://www.app.college.police.uk/app-content/public-order/command/

The role and responsibilities of gold commander[36] (strategic), silver commander[37] (tactical) and bronze commander[38] (operational) are clearly stated. The command structure is role specific.[39] In general, the **gold commander** provides leadership and strategic oversight and is responsible for determining the strategic objectives. The **silver commander** on the other hand should develop, command and coordinate the overall tactical response of an operation, in accordance with the strategic objectives set by the gold commander. The **bronze commander** should implement the silver commander's plan and develop a deployment plan ensuring that staff understand their roles, responsibilities and limits.

6.41 According to the APP, the presumption in favour of peaceful assembly is a starting point for policing POEs. Peaceful intentions should be presumed unless there is compelling evidence that those organising or participating in a particular event will themselves use, advocate or incite violence. Police action should, therefore, target only those persons responsible for the breach of the peace. An action taken which is not directed at the person committing the breach will generally be unlawful.[40] Where and only where there is a reasonable belief that there is no other means whatsoever to prevent a breach of the peace, the lawful exercise by innocent third parties of their rights may be restricted by the Police. This is a test of necessity, which can only be justified in truly extreme and exceptional circumstances.[41]

6.42 Before the Police can take any steps which in any way restrict the lawful exercise of rights by innocent third parties, they must take all other possible steps (including making proper and advance preparations) to ensure that the breach, or imminent breach, is prevented and the rights of third parties are protected.[42]

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36 The **gold commander** assumes and retains overall command for the operation or incident. They have overall responsibility and authority for the gold strategy and any tactical parameters that silver or bronze commanders should follow. The gold commander, however, should not make tactical decisions. They are responsible for ensuring that any tactics deployed are proportionate to the risks identified, meet the objectives of the strategy and are legally compliant.

37 The **silver commander** commands and coordinates the overall tactical response in compliance with the strategy, and is the tactical commander of the incident. Generally, there should be one tactical commander, but it may not be practical or desirable in large-scale incidents or operations to have a single silver commander. The gold commander (when appointed or in a position to assume command) decides how many silver commanders are appointed and their individual span of command

38 The **bronze commander** is responsible for the command of a group of resources, and carrying out functional or geographical responsibilities related to the tactical plan.

39 College of Policing. Authorised Professional Practice. Retrieved from https://www.app.college.police.uk/app-content/operations/command-and-control/command-structures/

40 College of Policing. Authorised Professional Practice. Retrieved from https://www.app.college.police.uk/app-content/public-order/core-principles-and-legislation/?highlight=breach%20of%20the%20peace?s=breach+of+the+peace#police-action

41 Ibid

42 Ibid

New York, US

6.43 The US Supreme Court has set the basic US legal standard for determining legality of any use of force by a law enforcement official as being whether his or her actions were "objectively reasonable".[43] This assessment must be made from the perspective of a reasonable officer on the scene, including what the officer knew at the time.

6.44 Within the New York Police Department (NYPD), its latest use of force policy was implemented in 2016.[44] It stipulates that in all circumstances, any application or use of force must be reasonable under the circumstances. To determine whether the use of force is reasonable, there is a list of considerations NYPD members should consider, including the nature and severity of the crime / circumstances, actions taken by the subject, immediacy of the perceived threat or harm to the subject or others.[45] These considerations are all under the header of objective reasonableness as required by law.

Melbourne, Australia

6.45 Under the Crimes Act 1958, force may be used to prevent the commission of an indictable offence.[46] In order for the use of force to be legal, force must always be reasonable, necessary and proportionate to the circumstances.

6.46 For practical operation, the Victoria Police Manual on Crowd Control states that violent confrontation and the use of force should be avoided. When using force, only the minimum amount reasonably necessary may be deployed. In the context of POEs and crowd control, the police needs to consider the rights of the members of the public to exercise free speech, peaceful assembly, protest and industrial action. However, the police has an obligation to take action, using the minimum amount of force necessary, when "the action of those taking part in such activities either become unlawful or infringe upon the rights of others." More importantly, force may not be used against non-violent refusal to cooperate.

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43 *Graham v Connor* 490 US 386 (1989)

44 NYPD (28 December 2017). NYPD releases 2016 Use of Force Report. Retrieved from https://www1.nyc.gov/site/nypd/news/p1228b/nypd-releases-2016-use-of-force-report

45 (a) The nature and severity of the crime/ circumstances (b) Actions taken by the subject (c) Duration of the action (d) Immediacy of the perceived threat or harm to the subject, members of the service, and/ or bystander (e) Whether the subject is actively resisting custody (f) Whether the subject is attempting to evade arrest by flight (g) Number of subjects in comparison to the number of members of service (h) Size, age, and condition of the subject in comparison to the members of service (i) Subject's violent history, if known (j) Presence of hostile crowd or agitators (k) Subject apparently under the influence of a stimulant/ narcotic which would affect pain tolerance or increase the likelihood of violence.

46 Section 462A, Crimes Act 1958

Toronto, Canada

6.47 The Criminal Code limits the acceptable level of force used by police officers acting under legal authority. Police officers may, acting on reasonable grounds, use force to prevent the commission of offences which, if committed, the person may be arrested without warrant and likely to cause immediate and serious injury to the person or property of anyone,[47] to prevent a breach of the peace,[48] to suppress a riot,[49] and to do anything in the administration or enforcement of the law.[50] The use of force must be proportionate, or reasonably necessary, in the circumstances.[51] The Supreme Court of Canada has explained that police action should not be judged against a standard of perfection, but in the light of the exigent circumstances of dangerous and demanding work and the obligation to react quickly to emergencies.[52]

Hong Kong Police

6.48 In sum, it is observed that the use of force principles in the HKPF is in line with comparable jurisdictions.

<u>Effect on Health from Use of Tear Gas</u>

6.49 As mentioned in paragraph 6.3 above, the Police has fired a total of 16 191 tear gas canisters between 12 June 2019 and 29 February 2020. There has been public concern on the use of tear gas, particularly those containing 2-chlorobenzalmalononitrile, commonly known as CS, whether inhaling the gas would have any adverse health effect. A submission in mid-January 2020 prepared by the Hong Kong Human Rights Monitor, Public Health Research Collaborative, and Civil Rights Observer regarding an "Urgent Appeal to the Special Rapporteur on Toxics – on the toxicity of tear gas and other chemical weapons used by the Police during the recent civil rights movement in Hong Kong"[53], has highlighted, among other things, the health risk associated with tear gas, or chemical irritant.[54]

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47 Section 27, Criminal Code

48 Sections 30-31, Criminal Code

49 Sections 32-33, Criminal Code

50 Section 25, Criminal Code

51 Sections 26-27, Criminal Code

52 R v Nasogaluak , 2010 SCC 6 at paragraph 35. Retrieved from https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7845/index.do

53 Hong Kong Human Rights Monitor, Public Health Research Collaborative, and Civil Rights Observer (January 2020) Urgent Appeal to the Special Rapporteur on Toxics – on the toxicity of tear gas and other chemical weapons used by the HK Police Force during the recent civil rights movement in Hong Kong. Retrieved from https://drive.google.com/file/d/1p-pQ2WxSlDHRUi4DnmqvsCBe0_9SeqP1/view

54 Ibid

6.50 In a study conducted by the Committees on Toxicity, Mutagenicity and Carcinogenicity of Chemicals in Food, Consumer Products and the Environment (COT, COM, and COC) on referral from the Department of Health, and with the support of Home Office in the UK,[55] the Committees have expressed concern for certain population groupings which might be susceptible to the exposure of tear gas including individuals with bronchial asthma or chronic obstructive airways disease, individuals suffering from hypertension or other cardiovascular disease etc. In actual situation, the police is unlikely to know the medical status of the susceptible groups when the tear gas is used. As such, adherence to the operational guidelines for the prudent use of tear gas is of particular importance.

6.51 As to the effect of tear gas in Hong Kong's environment, the Secretary for Food and Health has explained its effect in response to a Legislative Council (LegCo) Question on 13 November 2019 that "*health effects of tear gas depend on a number of factors such as the specific chemical composition of the tear gas, duration and dose of exposure, exposure route, health conditions of the individuals and the physical environment during exposure*".[56] Moreover, the Department of Health has uploaded health information on tear gas to the website of the Centre for Health Protection (CHP) giving general advice to the public when faced with tear gas.[57]

6.52 The Research Office of the LegCo Secretariat also released a report on 2 January 2020 stating the health impacts of tear gas on individuals which depends on various factors similar to those mentioned in paragraph 6.51. The report also highlighted the use of tear gas should take note as follows :

> *"police guidelines from selected places specify that (a) tear gas should not be directly fired at individuals; (b) tear gas should not be used in enclosed spaces; and (c) the enforcement officers need to give sufficient warning and provide evacuate route prior to usage."*[58]

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55 Committees on Toxicity, Mutagenicity and Carcinogenicity of Chemicals in Food, Consumer Products and the Environment (COT, COM, and COC) (September 2019) COT/COM/COC statement on 2-chlorobenzylidene malononitrile and CS spray. Retrieved from https://cot.food.gov.uk/cotstatements/cotstatementsyrs/cotstatements1999/maloncsspray

56 LCQ 16 Question raised by Professor the Hon Joseph Lee and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council on 13 November 2019. Retrieved from https://www.info.gov.hk/gia/general/201911/20/P2019112000559.htm

57 Centre of Health Protection (2019-11-07) Health Information on Tear Gas. Retrieved from https://www.chp.gov.hk/en/healthtopics/content/460/102308.html

58 Research Office, Legislative Council Secretariat (2 January 2020) Guideline on the use of less-lethal police weapons in selected places. Retrieved from https://www.legco.gov.hk/research-publications/english/1920rt04-guidelines-on-the-use-of-less-lethal-police-weapons-in-selected-places-20200102-e.pdf

6.53 As to the health effect of chemical irritants such as tear gas and OC spray, information from United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement on the circumstances of potentially lawful use and specific risk is extracted in Annex 2.

6.54 After the Police had fired over a thousand canisters of tear gas at both CUHK and PolyU in November 2019[59], both universities addressed the general public's concern about the potential hazards of tear gas residue remaining on their campuses and appointed independent accredited laboratories to collect environmental samples, namely air, and soil samples at various locations on campus for testing. According to the published reports, the results of the tests met the internationally accepted health and safety levels and both campuses could resume operation.[60,61,62]

6.55 While the public has a grave concern on health effect from tear gas, the public health physicians are equally concerned about the lack of decontamination instructions for public reference and compliance.[63] This issue is addressed in paragraph 6.74.

<u>IPCC Observations</u>

6.56 It is evident that police counterparts elsewhere apply much the same principles for the use of force – reasonable, proportionate and minimum necessary force against subject individuals after considering the risk posed by their actions and behaviour. The use of force principle adopted by the Police, i.e. *"only minimum force necessary to achieve the purpose may be used and once that purpose has been achieved, the use of force shall cease"*, is in line with their international counterparts. Determining whether a level of force applied by the Police is appropriate would be situational, depending on the actual circumstances faced by a particular police officer.

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59 RTHK (2019-11-12) 警方過去半年反修例示威中共用29863發彈藥. Retrieved from https://news.rthk.hk/rthk/ch/component/k2/1496800-20191209.htm?archive_date=2019-12-09

60 HKFP (2019-12-06) Campus soil and water samples show negligible health hazards from tear gas, says Chinese University of Hong Kong. Retrieved from https://www.hongkongfp.com/2019/12/06/campus-soil-water-samples-show-negligible-health-hazards-tear-gas-says-chinese-university-hong-kong/

CUHK Announcement (2019-12-06) CUHK Releases First Batch of Test Results on Campus Environment. Retrieved from https://www.cpr.cuhk.edu.hk/en/announcements_detail.php?1=1&1=1&id=37

61 POLYU Media Releases (2019-12-28) PolyU Announces the Test Results on Campus Environment Assessment. Retrieved from https://www.polyu.edu.hk/web/en/media/media_releases/index_id_6723.html

POLYU First Batch of Test Results for Environmental Contamination on Campus. Retrieved from https://www.polyu.edu.hk/web/cpa/notice/Appendix_II_Eng.pdf

62 POLYU Media Releases (2020-01-03) PolyU Releases the Remaining Test Results for Air Samples Collected on Campus. Retrieved from https://www.polyu.edu.hk/web/en/media/media_releases/index_id_6724.html

63 Chan EYY, Hung KKC, Hung HHY, Graham CA (2019-10-26) Use of tear gas for crowd control in Hong Kong. Retrieved from https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32326-8/fulltext

6.57 In communicating with the IPCC, the Commissioner has expressed his view that the Police has always endeavoured to comply with the law through application of its own policies and procedures in responding to actions; the response of the Police in the face of violent protesters in the past months is no exception. The Commissioner, however, acknowledges that each officer is accountable for the use of force, that any complaints and any alleged or observable instances of excessive use of force should be fully and fairly investigated.

6.58 The Police provides practical guidance to frontline officers by way of the Force Continuum but these guidelines are principle-based. As there is personal accountability under the law, each officer has to account subsequently for his or her conduct. More specific guidance might be fairer to the officer and easier for CAPO and the IPCC to work on when a complaint is made against an officer. More specific guidance would also enable the public to better understand the need for use of force in the law enforcement circumstances faced by the officer.

6.59 Specific scenario-based guidance, as suggested by HMIC in "The Rules of Engagement – A review of the August 2011 disorders" would be good reference for the Police. Based on the advice from a Queen's Counsel,[64] ten key principles[65] are distilled from three core questions.[66] The ten key principles are to assist officers to consider their use of force. They include that force shall be exercised with restraint and shall be the minimum honestly and reasonably judged to be necessary to attain the lawful objective; individual officers are accountable and responsible for any use of force, and must be able to justify their actions in law. These are the elaboration of the three core questions reminding officers that the use of force should be minimum, necessary and reasonable and that they are held accountable for their actions. Based on them, HMIC has identified a series of specific scenarios to illustrate the problems encountered by police officers in the 2011 disturbances in the UK.

6.60 Some of the identified scenarios are similar to those that happened in the protests in Hong Kong, such as "*flash burglary rioting*", *"barricades across road"*, *"petrol bombs*

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64 Timony Otty, QC, Blackstone Chambers (2011-11-24) Annex C "Advice on the use of force by police in the context of civil unrest and riot" in "The Rules of Engagement – A review of the August 2011 disorders". Retrieved from https://www.justiceinspectorates.gov.uk/hmicfrs/media/a-review-of-the-august-2011-disorders-20111220.pdf

65 HMIC (2011) The Rules of Engagement: A review of the August 2011 disorder. Retrieved from https://www.justiceinspectorates.gov.uk/hmicfrs/media/a-review-of-the-august-2011-disorders-20111220.pdf

66 The three questions are: (i) Would the use of force have a lawful objective and, if so, how immediate the grave is the threat posed? (ii) Are there any means, short of the use of force, capable of attaining the lawful objective identified? (iii) Have regard to the nature and gravity of the threat, and the potential for adverse consequences to arise from the use of force, what is the minimum level of force required to attain the objective identified, and would the use of that level of force be proportionate or excessive?

thrown", etc. [67] The scenario-based guidance also contains corresponding tactical considerations for the police officer to act in every identified scenario.

6.61 Compared to the Force Continuum of the Police, the guidelines of HMIC detail more options for police officers and in some cases, the level of force envisaged (on Counsel's advice) based on the scenario under consideration appears to be higher than that envisaged in the Force Continuum. For instance, in cases of arson attacks on a building, an officer can give warning or possibly use firearms if justified based on actual circumstances encountered. Meanwhile, most of the scenarios described in the HMIC list are very similar to events in Hong Kong in the past months, when the Police have had to enforce the law when faced with road blocking, arson and damage to property, attack by violent protesters with weapons, all of which constituted unlawful activity the Police is duty-bound to prevent or to arrest those in breach, and to bring them to justice.[68] Against this background, police officers have had to resort to use of force.

6.62 While appreciating that scenario-based guidelines would provide more certainty in terms of how frontline officers should react to a particular scenario, the IPCC also understands that in adopting such guidelines, the Police has to be cautious to avoid setting unduly rigid rules that may confuse or distract frontline officers from the use of force principles. Hence, a right balance needs to be struck between ensuring fundamental principles are followed and providing operational certainty to frontline officers.

6.63 The APP published by the College of Policing in the UK consists of many different aspects of policing. Among them, there is a specific section on "Public Order" policing, aimed at those officers who are involved in planning and commanding operations[69]. It provides a framework for managing operations and deploying resources at a national, regional or local level. In that section of "Public Order" policing, there is a part on "commander considerations regarding the use of force"[70] with many useful examples like collective use of force, e.g., line of officers with batons drawn dispersing a crowd as a result of command decisions. Furthermore, there are special considerations which the commanders should take into account in planning and controlling the operations, for instance, the potential response (e.g., alienation/increase in tension), crowd dynamics (e.g. exit routes) and public perception when deploying officers.

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67 HMIC (2011) The Rules of Engagement: A review of the August 2011 disorder. Retrieved from https://www.justiceinspectorates.gov.uk/hmicfrs/media/a-review-of-the-august-2011-disorders-20111220.pdf

68 Ibid

69 College of Policing (23 October 2013). Public Order. Retrieved from https://www.app.college.police.uk/app-content/public-order/?s=

70 College of Policing (23 October 2013). Police Use of Force. Retrieved from https://www.app.college.police.uk/app-content/public-order/core-principles-and-legislation/police-use-of-%20force/#commander-considerations-regarding-use-of-force

6.64 In addition to the supplementation of specific guidelines to principle-based guidelines, the UK has formalised command structures for public order policing and put in place accreditation training for commanders and rank and file. Officers need to be re-accredited on a regular basis to keep up with the latest developments in POE tactics and policing techniques.

6.65 Following the 2011 Review, HMIC issued a further report in 2014 after inspecting how police forces in England and Wales deal with threats to public order. The report concluded that, among other things, training to the curriculum standard for Police Support Units (a public order-trained police team)[71], and improved command training for gold, silver and bronze commanders in the use of public order situation related tactics[72], have brought about an improved public order command capability compared with that which was in place at the time of the disorder in August 2011.[73]

Tear Gas

6.66 Whether the use of tear gas has impact on human health hinges on different factors including specific chemical composition of the tear gas and whether they are properly used under different situations. From the perspective of human health, tear gas composition is the most direct element that would cause an impact and such information provided by the manufacturers is essential. It is advisable to have expert reviews in this regard to ensure that the chemicals contained in the tear gas used by the Police is acceptable.

6.67 In terms of practical operation, many factors such as duration and dosage of exposure, exposure route, health conditions of the individuals and physical environment during exposure have to be taken into account. Clear and systematic practical guidelines on these considerations would facilitate police officers to make more appropriate assessment of particular situations they may face when deciding to use tear gas.

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71 Police Support Unit is a formation of resources for public order policing; the composition of a PSU is standardised across all of the 43 police forces in England and Wales and consists of: one inspector; three sergeants; eighteen constables; and three drivers; all trained and equipped to national standards with three suitably equipped personnel carrier vehicles.

HMIC (2014). Strategic Policing Requirement: An inspection of how police forces in England and Wales deal with threats to public order. Retrieved from https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/strategic-policing-requirement-public-order-2014-06.pdf

72 The *"go-forward"* tactics: tactics used by the police in public order situations that go beyond the containment of disorder; they allow the police to take positive action to end incidents of disorder before they escalate; tactics include advancing to disperse crowds, making arrests and working in situations where attenuating energy projectiles (AEPs) are used.

HMIC (2014). Strategic Policing Requirement: An inspection of how police forces in England and Wales deal with threats to public order. Retrieved from https://www.justiceinspectorates.gov.uk/hmicfrs/wp-content/uploads/strategic-policing-requirement-public-order-2014-06.pdf

73 Ibid.

Recommendations of the IPCC under Section 8(1)(c) of the IPCC Ordinance

Use of Force Principles and Guidelines

6.68 The IPCC acknowledges that the Police has in place policies and procedures regarding the use of force which are well in line with international guidelines. However, the current guidelines tend to be principle-based and the IPCC recommends that the Commissioner should review the current use of force policies and procedures and consider the feasibility of taking the following action:

(a) Scenario-based guidelines should be developed, with support by legal advice, similar in concept to those recommended by the HMIC as indicated above, to supplement the use of force guidelines now in existence in the PGO and FPM. While the existing guidelines provide principles and the Force Continuum focuses on the "level of resistance" of the subject, they could be improved by adding practical scenarios as examples for each level of resistance. In other words, there will still be one set of guidelines but with examples for illustration. These guidelines should be based on local conditions and the POE experience of the past months, and validated by legal advice from local Counsel. Furthermore, the Police should consider develop a separate set of comprehensive guidelines similar to the Public Order APP as mentioned in Paragraph 6.63. Such guideline should be distinct from the general use of force guidelines which are applicable in normal daily community policing. On this note, during a Joint Meeting with the Police in June 2018 to review a complaint case arising from 2016 Mong Kok riot, IPCC had recommended the Police to review and develop a separate set of use of force guidelines on policing riot situations and to strengthen professional training on handling riot or chaotic situations;

(b) Upon development of these supplemental guidelines, they should be included in all training. Consideration should be given to whether operational command structure in POEs needs to be further formalised, and whether there should be an accreditation system to ensure that officers are up to date on POE policing techniques;

(c) Allied with the review of guidelines and operational command structure, consideration should be given to ensuring that clear guidelines are given to commanders at all levels of their accountability to ensure that those under their command do adhere to Force guidelines in the operational circumstances faced by them;

(d) To ensure that the public understands the law on the use of force and how it is applied by the Police, the IPCC believes that the results of this review should be published and that the Police policies and procedures on the use of force, be part of continuing public education on the role played by the Police in maintaining law and order.

6.69 The IPCC believes that if the foregoing recommendations are implemented, the work of CAPO and the IPCC will be greatly facilitated, because complaints can be looked at in a more informed manner and officers have better guidelines to conduct themselves. This might result in the reduction of complaints.

A Dedicated Legal Advisor's Office within the Police Force

6.70 One of the difficulties of the Police, which the IPCC has observed in the course of this Study, is that Police management has to seek frequent legal advice from the Department of Justice. For the Police to produce internal scenario-based guidelines with legal advice as recommended in paragraph 6.68, it would materially assist to have their own legal capability, either departmentally or by full-time secondment from the Civil Division of the Department of Justice. The Police is Hong Kong's most important and diverse law enforcement department in maintaining law and order. Endowing them with their own legal department is an investment in ensuring that the law is applied in an informed manner. Their own legal department may deal with non-prosecutorial activities including contracting, civil actions and formulation of policies and procedures for policing while prosecutorial activities and disciplinary cases for defaulting police officers would remain the jurisdiction of the Department of Justice.

Use of Tear Gas

6.71 As tear gas is the most widely used policing instrumentality in the past few months, the IPCC believes that the Commissioner is fully aware of the public opprobrium of the Police that such use has caused. The IPCC suggests that the Commissioner considers addressing the issue through policies and procedures which seek to comply with the aspects in the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Relevant extract is in Annex 2.

6.72 To address the public concern over the safety issues or health effects of tear gas, the IPCC recommends that the Commissioner appoint an expert committee comprising medical and scientific experts to advise the Police Force that current and future stocks of tear gas come within acceptable toxicological limits for use in Hong Kong streets. In defining these limits,

the expert committee may refer to information provided by the manufacturers and toxicological tests conducted by them and any information available in the medical and police literature on the effects of their use in developed jurisdictions. However, if it proves impossible to come to a definition of "Acceptable toxicological limits" for use in Hong Kong streets and/or if the appointment of an expert committee proves unfeasible, the Police may alternatively release information concerning the manufacturer, the model and any developed jurisdictions using the same model.

6.73 The IPCC recommends that the Commissioner reviews current practices and procedures for the use of tear gas in public order situations, specifying situations in which it should **not** be used (for example in enclosed space) and if used, the conditions under which it may be used, taking care to ensure affected persons can leave the vicinity quickly and to minimise any unavoidable effects.

6.74 The IPCC appreciates that tear gas may have to be used, but the public still does not fully understand why it is used and how its effects could be mitigated. This is a matter of continuing public education and on-going public relations work by the Police, the Health Department and other community relations departments of the Government.

6.75 Subject to individual accountability, it was observed that the Police guidelines have generally been applied to the circumstances the Police have had to face. Meanwhile, the use of force by the Police has been widely criticised in the media and by a wide cross-section of the public, resulting in a large number of complaints. The IPCC believes that the experience gained by the Police Force in the past months would facilitate the Commissioner conducting a review of the policies and practices to address these criticisms. Elsewhere in this Report, the IPCC has suggested specific areas for focus. These include consideration of higher transparency and better communications on police policies and practices, closer co-operation with the media, incorporation of relevant elements in the training of officers and clearer command structure.

ANNEX 1

POLICE USE OF FIREARMS INCIDENTS
BETWEEN 9 JUNE AND 29 FEBRUARY 2020
(Source from Hong Kong Police Force)

	Date/ Time	**Location**	**No. of bullets**	**No. of officers involved**	**Brief description from Police Source**
1	25 August/ Night time	Tsuen Wan	1	1	At the night time, a group of protesters furiously attacked two uniformed officers at Yi Pei Square, Tsuen Wan with poles and other hard objects. One officer fired one warning shot to save his colleague who fell on the ground and was being ferociously attacked by protesters with hard objects.
2	31 August/ Night time	Eastern District	2	2	At night time, two plain clothes officers fired two warning shots at Victoria Park, Eastern District when they were ferociously attacked by a group of protesters with metal rods, baseball bats and bricks with one protester attempting to snatch the officer's pistol.
3	29 September/ 17:43	Wan Chai District	1	1	One plain clothes officer fired one warning shot to save his colleague who fell on the ground and was being ferociously attacked by protesters with stones and umbrellas at Johnston Road, Wan Chai.
4	1 October/ 15:30	Nathan Road, Yau Tsim	2	1	A uniformed officer fired two warning shots when he and his colleagues were being ferociously

		District			attacked by protesters with hard objects.
5	1 October/ 15:40	Sha Tsui Road, Tsuen Wan District	2	1	A uniformed officer fired two shots at two protesters who were throwing petrol bombs at him. Both shots apparently missed.
6	1 October*/ 16:03	Tai Ho Road, Tsuen Wan District	1	1	A uniformed officer fired one shot against the protester who was hitting the officer with a metal rod. The protester was shot in his left chest.
7	1 October/ 16:30	Sha Tin Pass Road , Wong Tai Sin District	1	1	A uniformed officer fired one shot at a protester who threw a petrol bomb towards him and his colleagues. The shot apparently missed.
8	4 October*/ 21:05	Tai Tong Road, Yuen Long	1	1	An unmarked police vehicle was being surrounded and damaged by protesters with various hard objects at Tai Tong Road, Yuen Long. The uniformed officer disembarked and was forced to fire one shot when the protesters continued to assault him with spanners, metal rods and umbrellas and attempted to snatch his pistol. A male protester was shot in his left thigh while the officer was subsequently hit by two petrol bombs.
9	8 November/ 21:55	Nathan Road, Mong Kok	1	1	A uniformed officer fired one warning shot as a group of protesters was ferociously attacking him and his colleagues with bricks.

10	11 November*/ 07:20	Shau Kei Wan, Sai Wan Ho	3	1	A uniformed officer fired three shots against a group of protesters who attempted to snatch his revolver. One protester was shot in his right upper abdomen.
11	17 November/ 21:49	Austin Road, Outside Poly U	1	1	A private vehicle dashed towards a uniformed officer whilst he was forming a police cordon line at Austin Road, Tsim Sha Tsui. In order to protect the officer, another officer fired one shot towards the driver. The windscreen of the vehicle was hit and the vehicle fled.
12	18 November/ 03:50	Nathan Road, Jordan Road, Yau Ma Tei	3	1	Whist a group of officers were escorting a female arrested person to the ambulance, they were attacked furiously by protesters with hard objects thrown at them. An officer thus fired two warning shots to protect themselves. As the protesters further attacked officers with petrol bombs, the officer fired a third shot towards the protester but without hitting any person.

* Protesters were injured by live round bullets in these incidents

ANNEX 2

EXTRACT OF UNITED NATIONS HUMAN RIGHTS GUIDANCE ON LESS-LETHAL WEAPONS IN LAW ENFORCEMENT – USE OF CHEMICAL IRRITANTS

Circumstances of Potentially Lawful Use

- A chemical irritant should be used only where sufficient toxicological information is available to confirm that it will not cause any unwarranted health problems and when its delivery against a target is accurate. Chemical irritants should only be deployed where a law enforcement official has reason to believe there is an imminent threat of injury.[74]

Specific Risks

- When Chemical irritants are used appropriately, their effects are normally transient, lasting up to approximately three hours. Exposure to fresh air and treating the eyes with cool water typically remedies the effects within one or two hours. Some people, however, have exceptionally severe reactions to irritant spray. Restraining a suspect by placing them in the prone position (i.e. where the person is lying flat with the chest down and back up) should be avoided after exposure. If an individual suffering from the effects of a chemical irritant is restrained, his or her breathing shall be monitored constantly. Any unexpected or long-lasting effects should be referred for relevant specialist assessment and treatment.[75]

- The use of chemical irritants can temporarily cause breathing difficulties; nausea; vomiting; irritation of the respiratory tract, tear ducts, and eyes; spasms; chest pains; dermatitis or allergies. In large doses, it can cause necrosis of the tissue in the respiratory tract and the digestive system, pulmonary oedema, and internal bleeding. There is also the possibility of burns or other injury resulting directly from the solvents if they have not evaporated before contact with skin. There is a specific risk of flammability from the solvent, for instance if a subject is smoking.[76]

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74 Office of the High Commissioner, United Nations Human Rights (2020) Guidance on Less-Lethal Weapons in Law Enforcement. Retrieved from https://www.ohchr.org/Documents/HRBodies/CCPR/LLW_Guidance.pdf

75 Ibid, at paragraph 7.2.4

76 Ibid, at paragraph 7.2.5

CHAPTER 7

INCIDENT DAY – SUNDAY 9 JUNE 2019

Introduction

7.1 This Chapter deals with the events on Sunday 9 June 2019. This day saw the first large-scale public procession against the Fugitive Offenders Bill and then in the evening, the first clash between protesters and the Police outside the Legislative Council Complex (the LegCo Complex). The events on 9 June attracted 23 Reportable Complaints (RCs) and five Notifiable Complaints (NCs) (see paragraph 7.17 below for details). These complaints are investigated by CAPO and each RC will be monitored by the IPCC assigning observer(s) to attend interview(s) and observe the collection of evidence conducted by CAPO. The purpose of this Chapter is to enable the IPCC to inform itself of the facts of the incidents giving rise to these complaints and the context in which these incidents took place, so that the IPCC is in a better position to undertake its function under section 8(1)(a) of the IPCC Ordinance in monitoring and reviewing the investigations of the individual complaints by CAPO. At the same time, the opportunity is taken to make recommendations to the Commissioner of Police (Commissioner) under section 8(1)(c) of the IPCC Ordinance so that complaints from future Police operations may be prevented.

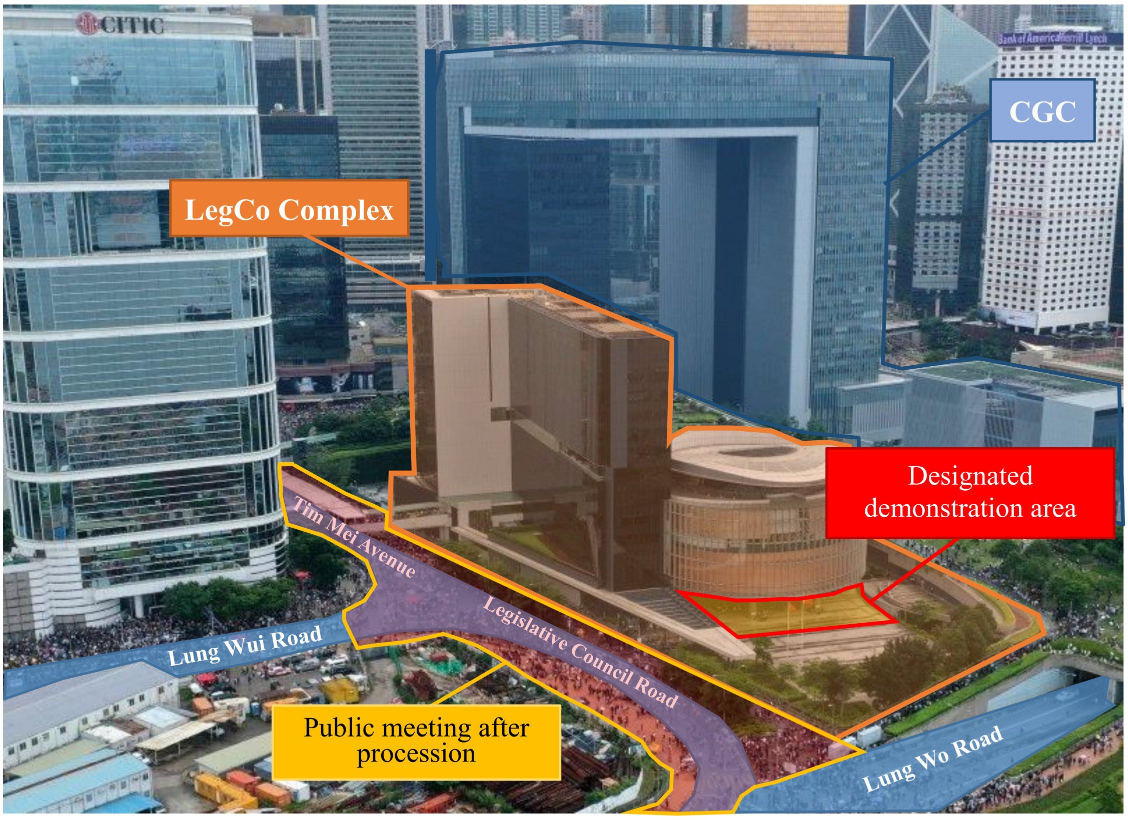
7.2 What followed the events on 9 June were another clash on 12 June, again outside the LegCo Complex, and the storming of the LegCo Complex by protesters on 1 July. This trilogy of events on 9 June, 12 June and 1 July, all taking place at the LegCo Complex, marked the beginning of a phase of the Fugitive Offenders Bill protests, when peaceful public order events (POEs) became interspersed with bouts of violence.

7.3 Before 9 June, the organisation Civil Human Rights Front (CHRF) had launched two public processions, on Sunday 31 March[1] and Sunday 28 April[2], against the Fugitive Offenders Bill. Both events were peaceful, though minor in scale in comparison with subsequent processions, with only 12 000 and 130 000 participants according to CHRF. Between mid-April and mid-May, after four meetings, the LegCo still could not set up a Bills Committee to scrutinise the Fugitive Offenders Bill. As a result, Secretary for Security, Mr. John LEE,

[1] Hong Kong Free Press (2019-03-31). "In Pictures: 12,000 Hongkongers march in protest against 'evil' China extradition law, organisers say". Retrieved from https://www.hongkongfp.com/2019/03/31/pictures-12000-hongkongers-march-protest-evil-china-extradition-law-organisers-say/

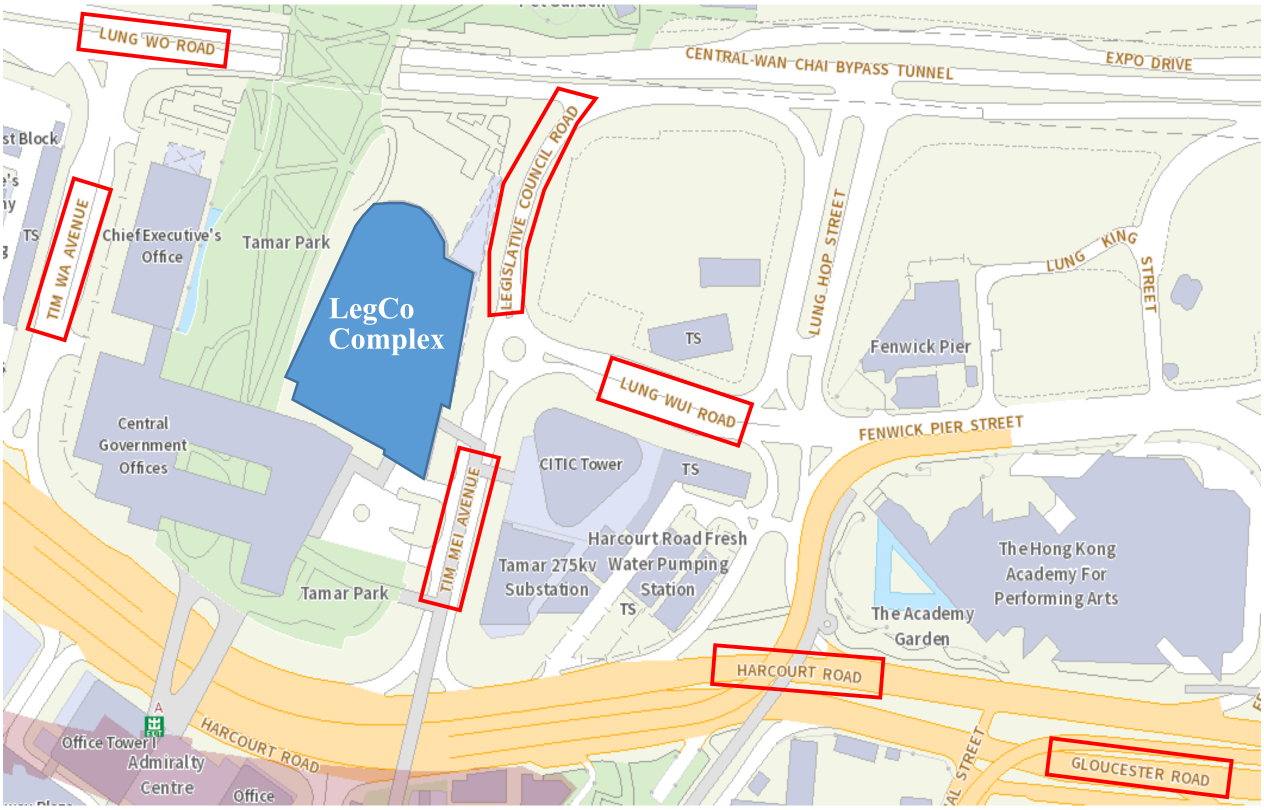
[2] SCMP (2019-04-28). "Estimated 130,000 protesters join march against proposed extradition law that will allow transfer of fugitives from Hong Kong to mainland China". Retrieved from https://www.scmp.com/news/hong-kong/politics/article/3007999/thousands-set-join-protest-march-against-proposed

announced on 20 May that the Government had decided to take the Fugitive Offenders Bill directly to the LegCo Meeting on 12 June for a Second Reading debate, bypassing the Bills Committee stage.[3] It was against the background of this unusual arrangement[4] that CHRF organised the third public procession on 9 June[5], from Victoria Park to Central Government Complex (CGC) area in the afternoon, and a public meeting at the destination of the procession that evening (see Graphic 7-1, Maps 7-1 and 7-2).[6]

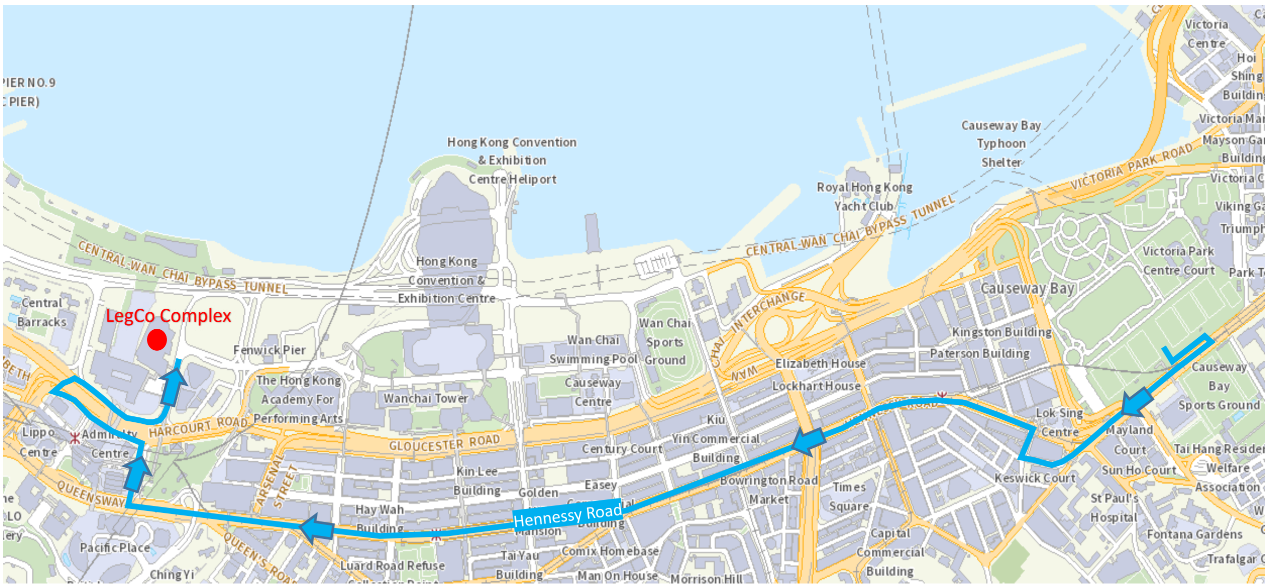


Graphic 7-1: The LegCo Complex
(*Source of base image: SCMP*)

[3] Hong Kong Free Press (2019-05-20). "Hong Kong extradition bill to bypass legislative committee scrutiny, as gov't fast-tracks controversial law". Retrieved from https://www.hongkongfp.com/2019/05/20/just-hong-kong-extradition-bill-bypass-legislative-committee-scrutiny-govt-fast-tracks-controversial-law/
[4] The legislative procedure was "unusual" as the Fugitive Offenders Bill would be processed on a fast-track arrangement without the usual scrutiny in committee before being tabled for a Second Reading in Council.
[5] It was widely reported by the local media that CHRF was the organiser of the public procession and meeting on 9 June. However, the relevant "Letter of No Objection" issued by the Police was addressed to the Office of LegCo Member AU Nok-hin and his Office is a member-organisation of CHRF.
[6] The destination of the procession was at Tim Mei Avenue and Legislative Council Road.



Map 7-1: Major roads around the LegCo Complex
(*Source of base map: Lands Department*)



Map 7-2: Public procession route on 9 June
(*Source of base map: Lands Department*)

7.4 According to the Police, prior to 9 June, there were appeals on the internet inciting people to throw water bottles, bricks, stones and petrol bombs during the POEs that day. Two political groups, namely Hong Kong Independence Union and Studentlocalism, had uploaded messages on the Facebook that there would be an important announcement after the procession on 9 June and asked supporters to stay behind at CGC area. These two groups were established among younger people after the Occupy Movement (OCM) in 2014 to fight for political reform in Hong Kong.

7.5 The Police was aware of the information disseminated on the internet. In anticipation of possible violent opposition at the LegCo Complex, the Police formulated an operational contingency plan on 8 May 2019, known as "Operation TIDERIDER", to protect CGC area including the LegCo Complex. The policing objectives were to safeguard the integrity of the CGC area and to ensure safe access for LegCo Members and Government officials to and from the premises. Unauthorised entry and violent or illegal acts to impair the functioning of these two complexes would not be tolerated. The general policing philosophy, according to the Police management, was to prevent the preventable, manage the unpreventable and engage the unacceptable.

7.6 CGC, together with the LegCo Complex and Tamar Park, formed a cluster across the Central Promenade. On its south side is Harcourt Road, a trunk road linking the east and west of Hong Kong Island North, and connecting Gloucester Road in the east. On its north side is Lung Wo Road, an alternative road of Harcourt Road. On its east side is a roundabout with three exits for Legislative Council Road to the north, Tim Mei Avenue to the south, and Lung Wui Road to the east towards Wan Chai. On its west side is Tim Wa Avenue. The open areas at these roads and the Tamar Park can accommodate a large assembly and render crowd dispersal difficult.

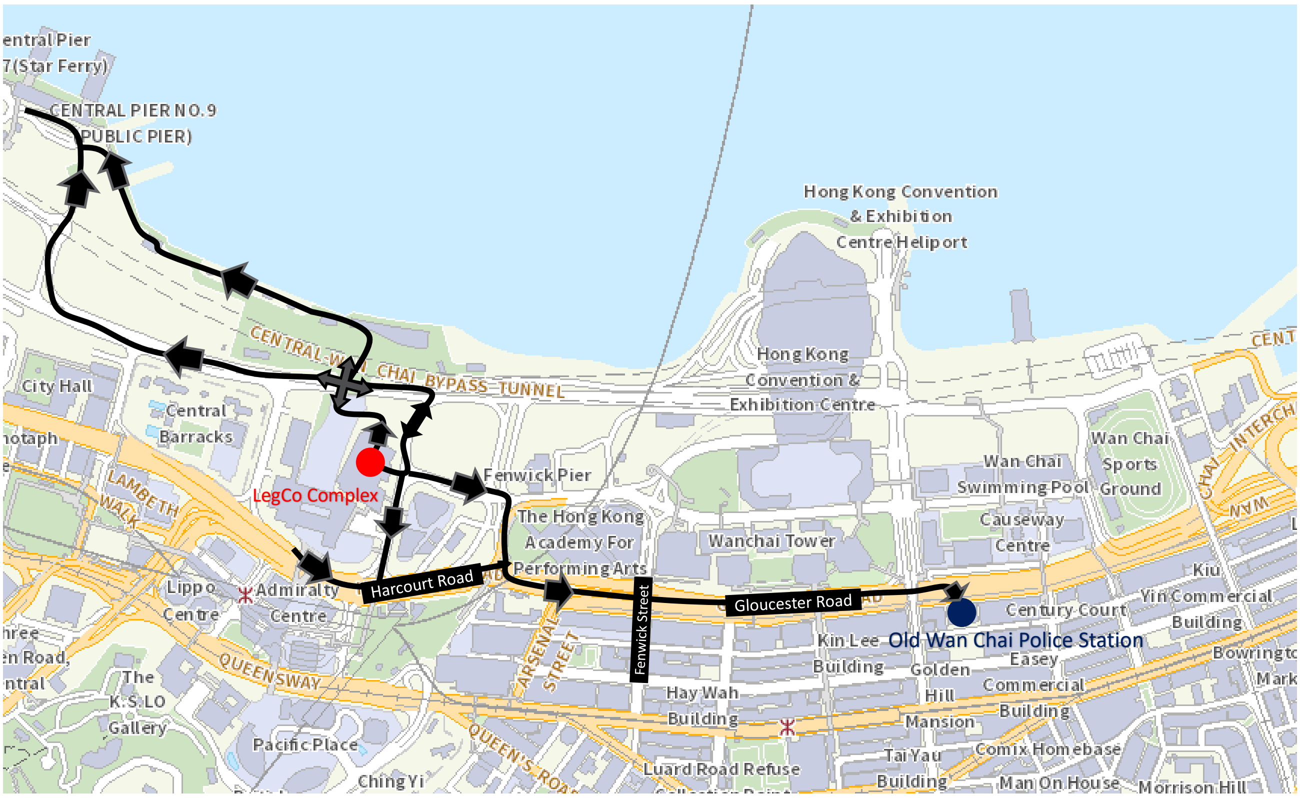
7.7 On 9 June, the Police adopted a three-tier command structure at first, with Headquarters Command and Control Centre (HQCCC) being the highest level from Police Headquarters, the Regional High Command at the second level giving instructions to the Forward Command Post (FCP) at ground level. This three-tier command structure was changed to two tiers after midnight clashes broke out with protesters blocking Lung Wo Road. At this point, HQCCC started giving orders to FCP direct. In the operation, the Police deployed a total of 3 197 officers, with 2 083 handling the public procession and 636 staying on guard at the public meeting at the procession destination outside the LegCo Complex. There were also 852 officers on contingency reserve duty for eventualities that day.[7]

[7] The Police deployed a total of 3 197 police officers to manage the events between 05:00 on 9 June to 05:00 on 10 June. As some units were deployed for policing multiple events, the sum of manpower number deployed for different events is more than 3 197 because those units with multiple tasks are counted more than once.

7.8 The Police had issued a Letter of No Objection (LoNO) for the public procession and the following public meeting up until 23:59. The public procession was scheduled to start from Victoria Park at 15:00. Given the large turnout at the starting point, however, it kicked off early at 14:22. CHRF estimated that over one million took part in the procession while the Police counted 240 000 at the time with the largest turnout. The procession was generally peaceful and orderly, but the Police was forced to open the eastbound lanes of Hennessy Road at 16:30 in order to accommodate the large number of protesters. As mentioned earlier, CHRF, Demosistō[8], Studentlocalism and Hong Kong Independence Union had called for the protesters to stay behind at the CGC area after the procession to rehearse laying siege to the LegCo Complex. Hundreds of protesters did so accordingly while a few hundred others gathered at Harcourt Road, outside Admiralty Centre.

7.9 At 23:09, the Government issued a press release acknowledging the large turnout of the march and announcing the Second Reading debate on the Fugitive Offenders Bill to be on 12 June. This message changed the atmosphere at the LegCo Complex and protests began to intensify, to a point around midnight with hundreds of violent protesters charging on the police cordon line at the designated demonstration area of the LegCo Complex. They threw iron rods, metal barriers, water bottles and other hard objects at the police officers. In response, the police officers used batons, OC foam (i.e. pepper spray) and PAVA solution (i.e. pepper liquid) to hold back the violent protesters. More police officers were deployed for dispersal action. Some of the protesters fled to Tim Mei Avenue, Lung Wui Road and Lung Wo Road, blocking these roads. Some other protesters spilled onto Gloucester Road. Around 02:50, the Police concluded dispersal action with 358 protesters hemmed in outside old Wan Chai Police Station. These 358 protesters were allowed to leave after being searched and their personal particulars recorded by the Police (see Map 7-3 for the major dispersal routes of protesters).

[8] Demosistō, established in April 2016, is a pro-democracy and young activist group.



Map 7-3: Major routes protesters dispersed on 10 June

(*Source of base map: Lands Department*)

7.10 A chronology of the POEs of this day appears as Annex to this Chapter.

7.11 The violence from the protesters on 9 June was much less in comparison with that in the clashes that followed in subsequent incident days. The gear worn or used by both the protesters and the police officers on 9 June was comparatively light. News footage showed that only about half of the protesters had put on surgical masks and only a few were in black outfits with masks, goggles and helmets. The police officers at the cordon line were in standard uniform. Even the officers deployed to the scene later on were not in full riot gear.

7.12 A total of eight police officers were injured on 9 June, including one with serious eye injuries. The Hospital Authority (HA) at various hospitals treated a total of 72 persons related to the incident on 9 June.

7.13 As at 29 February 2020, the Police had arrested 33 persons (31 male and two female) in connection with the incident on 9 June for various offences, including "Unlawful Assembly", "Assaulting on Police Officer", "Obstructing Police Officer", "Possession of Dangerous Goods and Others" and "Possession of Offensive Weapons". Among them, 15 persons had been charged in Court, including one convicted for "Assault on Police Officer" and 14 pending trial, 13 were under police investigation whereas five had been released.

7.14 What happened on 9 June has raised public concern over the following issues:

(a) Police opening eastbound lanes of Hennessy Road for the procession;[9]
(b) Police use of force in dispersing protesters; and
(c) Police handling of reporters.

Sources of Information

7.15 For the purpose of its study of the events on 9 June, the IPCC has scrutinised the following materials:

(a) Documents provided by the Police in respect of police deployment and operation, prior intelligence received, use of police weapons and casualties incurred on the incident day.

(b) Operational Orders for Operation TIDERIDER provided by the Police.

(c) Information obtained from meetings with the Police.

(d) Footage recorded by the Police pertaining to the 9 June operations. A total of 33 video clips of 6 hours 38 minutes long were viewed.

(e) News reports and news footage produced by different television companies, newspapers and media. A total of 171 news reports[10] and 53 video reports of 48 hours long were examined.

(f) Photos and footage provided by the public in response to IPCC's appeal.

(g) Press statements obtained from the website of the Information Services Department (*news.gov.hk* and *info.gov.hk*), the Police (*police.gov.hk*) and LegCo (*legco.gov.hk*) concerning the clashes on 9 June.

(h) Information provided by the HA on the number of persons receiving medical treatment as a result of the incident on 9 June.

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[9] Apple Daily reported on 10 June 2019 that CHRF convener, Jimmy SHAM, criticised the Police crowd management on 9 June procession was "irresponsible and lacked foresight". *[Apple Daily (10 June 2019). 警拒開放東行線塞到爆.]*

[10] This figure counts the paper media, while the IPCC has also viewed mainstream online media/sources including but not limited to HK01, Stand News, Hong Kong Free Press, and Hong Kong In-media etc.

The Events

7.16 The events on 9 June can be divided into two phases, the first phase from 14:22 to 22:30 covering the public procession and the second phase from 22:30 to 03:00 the following day covering incidents after the procession including the clash at midnight.

Phase I – The Public Procession from 14:22 to 22:30

Commencement of Procession at 14:22

- The procession was originally scheduled to commence at 15:00 to walk from Victoria Park to Tim Mei Avenue and Legislative Council Road outside CGC (see Map 7-2 for the procession route) (source: HKPF). Due to the large turnout at Victoria Park before the commencement time, CHRF kicked off the procession at 14:22. When the head of the procession arrived at CGC at 15:53, CHRF asked the protesters to stay behind to join the assembly there (source: HKPF, media reports and live video footage).

Opening of Hennessy Road Eastbound Lanes at 16:30

- There was a massive turnout at the procession. CHRF estimated 1.03 million had taken part in the procession while the Police counted 240 000 at the highest turnout (source: HKPF, media reports and live video footage). During the procession, many protesters were jammed at the junction of Hennessy Road and Canal Road (see Image 7-1). These protesters demanded the Police to open the eastbound lanes on Hennessy Road. At 16:02, some protesters tried to cross the police cordon line to get to the eastbound lanes (source: media reports and live video footage) The police officers then raised the red flag warning them to "*Stop Charging or We Use Force*" (see Image 7-2) (source: HKPF, media reports and live video footage). The protesters, however, demanded that more roads be opened for the procession (source: media reports and live video footage).



Image 7-1: An aerial view of the procession at the junction of Hennessy Road and Canal Road before the eastbound lanes were opened
(*Image source: HK01*)



Image 7-2: Police raised the red flag warning protesters not to charge forward
(*Image source: Ming Pao*)

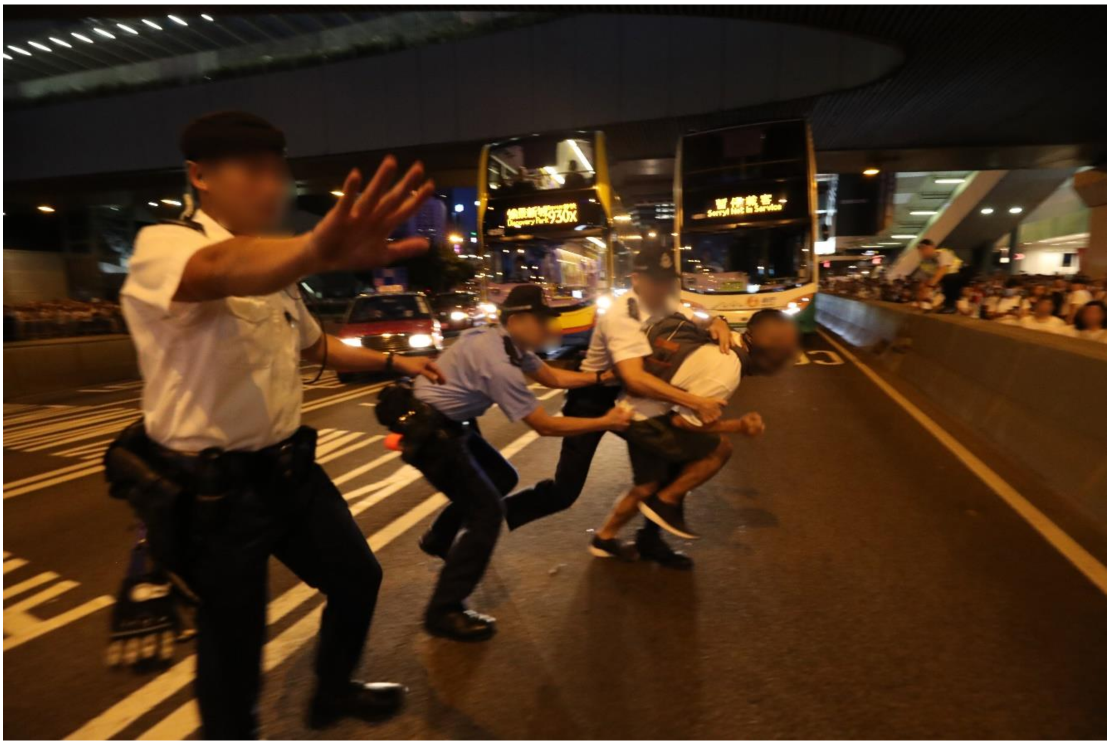
- At 16:30, several protesters broke through the police cordon line and the crowd spilled to the eastbound lanes (see Image 7-3). The Police then opened the eastbound lanes of Hennessy Road (source: media reports and live video footage).



Image 7-3: Some protesters tried to cross the police cordon line to the eastbound lanes of Hennessy Road
(*Image source: HK01*)

<u>*Use of OC Foam at 19:25*</u>

- The procession continued smoothly after the opening of the eastbound lanes. However, at 19:25 in Admiralty, six protesters dashed out from the procession to Harcourt Road outside Admiralty Centre and tried to block the westbound traffic with metal barriers (source: HKPF and media reports). The police officers on that spot caught one of the protesters (see Image 7-4). Immediately, around ten persons rushed out from the procession and successfully grabbed that protester from the Police. A police officer therefore used OC foam on those ten persons who then ran off (see Image 7-5) (source: media reports).





Images 7-4 (top) and 7-5 (bottom): At 19:25, the Police used OC foam to disperse people at Harcourt Road outside Admiralty Centre
(*Image source: SCMP*)

Procession Concluded at 22:30

- At 22:30, CHRF announced the conclusion of the public procession with a total participants of 1.03 million. From 20:20 onwards, members of Demosistō, Hong Kong Independence Union and Studentlocalism called for protesters to join them and stay behind at the LegCo Complex (source: HKPF and media reports).

Phase II – Clashes after the End of the Procession

Hundreds of Protesters Gathering at LegCo Complex and Harcourt Road

- After the conclusion of the procession at 22:30, hundreds of protesters gathered outside the LegCo Complex and at Harcourt Road outside Admiralty Centre, blocking the westbound traffic of Harcourt Road. At 23:40, police officers formed a cordon line and called with loud hailers for the several hundred protesters outside Admiralty Centre to disperse, but the protesters refused to leave. A stand-off between the Police and the protesters lasted until 01:00 when most of the protesters on Harcourt Road left the spot and the police officers dispersed the few remaining protesters back to the pavement (source: media reports, live video footage).

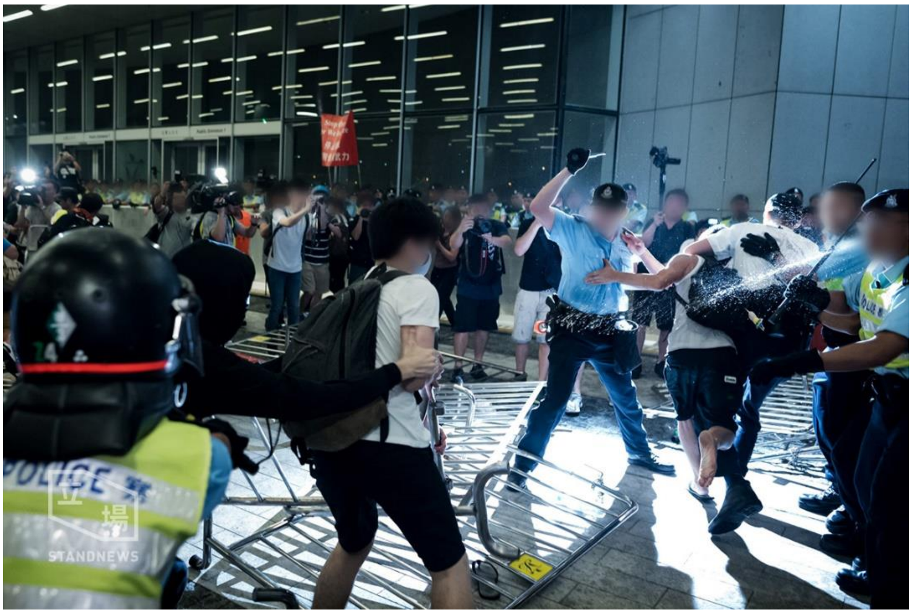
- At 22:47, members of Studentlocalism and Hong Kong Independence Union announced that they would stay at Tim Mei Avenue until 12 June (source: HKPF, media reports and live video footage) and take the protest to a higher level if the Government did not withdraw the Fugitive Offenders Bill (source: media reports and live video footage).

- At 23:09, the Government released a statement acknowledging the high turnout of the procession and announcing the Second Reading debate on 12 June (source: Information Services Department).

Clashes at 00:01

- At 00:01 on 10 June, several hundred protesters began to charge on the police cordon line at the designated demonstration area (the "Drum" area) at the LegCo Complex (source: HKPF, media reports and live video footage). According to the guidelines dated 27 November 2018 issued by Legislative Council Secretariat, the designated demonstration area is open to the public for staging petitions or demonstrations from 07:00 to 23:00 daily (source: Legislative Council Secretariat website). At 00:01 when the protesters began charging on the police cordon line, it was outside the opening hours. The Police raised the red warning flag to indicate "*Stop Charging or We Use Force*". The situation intensified as some violent protesters pushed metal barriers towards the cordon line and

threw various objects at the police officers (see Image 7-6). The protesters dismantled the roadside railings for metal rods, or took large objects readily available on the streets such as litterbins or traffic cones for the clash with the police officers. In order to hold the cordon line, the police officers responded with baton strikes and sprayed OC foam (see Images 7-6 and 7-7). Some protesters fled to Tim Mei Avenue and Lung Wui Road (source: HKPF, media reports and live video footage).





Images 7-6 (top) and 7-7 (bottom) : Clash scenes at the LegCo Complex Drum" area

(*Image source: From Stand News Facebook public page and Sing Tao Daily*)

- At 00:15, a police officer was seen attacked by some violent protesters and was injured in the eyes. The injured police officer was then seen hit by a flying iron rod taken off a metal barrier. Other police officers immediately took him into the LegCo Complex (see Image 7-8). Some protesters at Tim Mei Avenue took the metal barriers there to block Lung Wo Road. Around 00:26, about 200 protesters were gathering at Lung Wo Road and Lung Wui Road (source: HKPF, media reports and live video footage).



Image 7-8: A police officer was injured in his eyes and was then hit by a thrown iron rod during the clash at the LegCo Complex "Drum" area
(*Image source: HK01*)

- Around this time, seven platoons of Emergency Unit officers, supported by Special Tactical Contingent (STC) officers, arrived at the LegCo Complex as reinforcement (source: HKPF, media reports and live video footage).

- At 01:00, more protesters went to Lung Wo Road and used metal barriers, bulk litter containers and other objects to block the road and the underpass there. At 01:32, about 550 police officers in riot gear were deployed to disperse the protesters from Legislative Council Road towards Tamar Park and Lung Wo Road to the west, and along Tim Mei Avenue and Harcourt Road to the east. The Police saw some protesters holding fire extinguishers and digging up bricks from the pavements in CGC area. News footage showed some police officers pushing some reporters with their shields during the sweeping action for crowd dispersal and shouting for them to leave (see Image 7-9) (source: HKPF, media reports and live video footage).

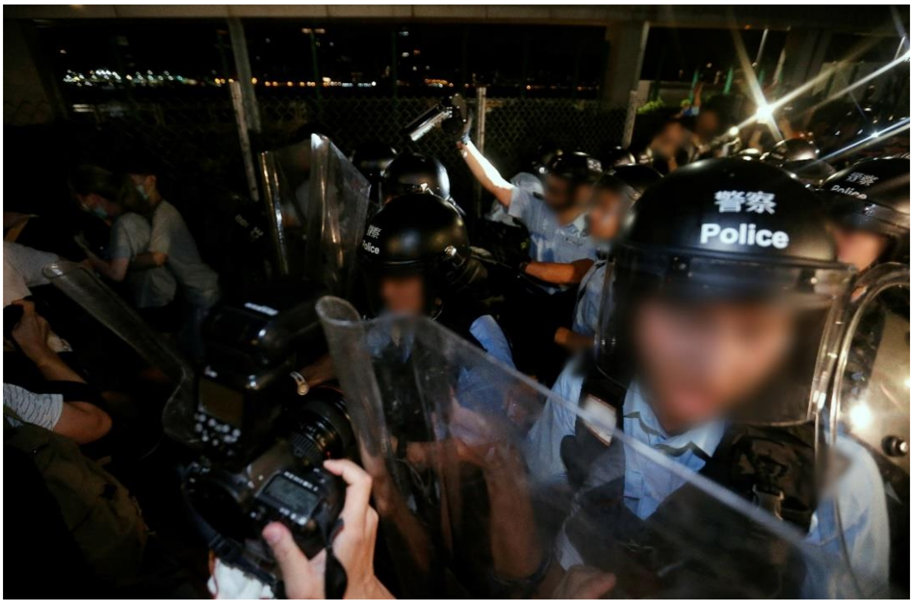


Image 7-9: Reporters were also dispersed during the police sweeping
(*Image source: Reuters*)

➢ At 02:05, the group of protesters who were dispersed to Fenwick Street walked towards Wan Chai via Gloucester Road eastbound lanes and blocked Gloucester Road with mills barriers, bus stop stands and litterbins (see Image 7-10). The other group dispersed at Tamar Park walked towards the Central Pier (source: HKPF, media reports and live video footage).



Image 7-10: Protesters used bus stop stands and litterbins to block Gloucester Road
(*Image source: HK01*)

- At 02:19, two platoons of Police Tactical Unit (PTU) officers formed a cordon line to disperse the crowd at Gloucester Road outside Immigration Tower (see Image 7-11). Two other platoons dispersed the crowd outside Admiralty Centre (source: HKPF, media reports and live video footage).



Image 7-11: Police dispersing the crowd on Gloucester Road, Wan Chai
(*Image source: From Stand News Facebook public page*)

- At 02:50, the Police surrounded 358 protesters outside old Wan Chai Police Station (see Images 7-12 and 7-13). By this time, most of the protesters had been dispersed and the Police had reopened Gloucester Road (source: HKPF, media reports and live video footage).

- At 06:00, the Police had finished searching the 358 protesters and recording their particulars. They were then released (source: HKPF and media reports).





Images 7-12 (top) and 7-13 (bottom): At 02:50, the Police surrounded 358 protesters outside old Wan Chai Police Station
(*Image source: HK01*)

Complaints against Police

7.17 As at 29 February 2020, 23 RCs and five NCs against Police action on 9 June 2019 have been received. The nature of the 23 RCs is as follows:

- Two complaints were made by civilians against police officers' impoliteness and use of foul language.
- Eight complaints were made by civilians against police officers for -
  (a) Pushing, pulling, and dragging protesters; and
  (b) Assaulting protesters with baton.
- 13 complaints were lodged by reporters against police officers for -
  (a) Using shields and flashlights to block them from taking photos, filming and reporting the incident;
  (b) Pushing them with shields and impolitely dispersing them; and
  (c) Using batons against them.

Police Response

7.18 In response to the events of this day, Police management has made various observations to the IPCC, as set out below:

Intelligence Collected by the Police Prior 9 June

7.19 Some netizens proposed online to throw water bottles, bricks, stones and petrol bombs during the event.

7.20 Hong Kong Independence Union and Studentlocalism appealed to supporters on Facebook to stay behind for an important announcement upon completion of the public procession.

Operational Planning

First Relevant Operational Order for Operation TIDERIDER

7.21 The document was issued on 8 May 2019 as the Police foresaw problems since the Fugitive Offenders Bill had faced massive opposition and a series of POEs (mostly peaceful processions) had already taken place.

7.22 The policing objectives of the operation were to safeguard the integrity of CGC and

ensure the safe passage of LegCo Members and Government officials to and from CGC in a safe and uninterrupted manner, as intelligence revealed that some protesters might use violence to cause disruption to CGC and prohibit LegCo Members and Government officials from accessing the CGC.

Police Contingents

7.23 After the OCM in 2014, the "police contingents" concept was established for better management of manpower and the chain of evidence involving arrest. When handling POEs, the Police would rearrange its manpower to form the police contingents. Currently, the Police Force has a total of one Headquarters Response Contingent and five Regional Response Contingents (RRCs), consisting of around 3 000 officers.

7.24 Each contingent comprised 500 officers, commanded by a Chief Superintendent of Police. The composition of a RRC included (1) frontline element consisting of Tier I and II officers, i.e. uniformed branch officers who had all received recent PTU training to handle aggressive riot situations; (2) crime investigation arm to handle arrests and filming; and (3) administrative staff for support and logistic duties.

7.25 Based on police experience in the OCM where protesters had put up fierce resistance during arrests, STC was formally established in April 2015. The purpose of STC is to provide tactical capabilities in making quick arrests at incidents which involve or are anticipated to involve exceptional levels of public disorder (e.g. serious or prolonged periods of unlawful occupation or physical obstruction to roads, serious threats to public safety, violence against Police.) They are deployed as being necessary to augment PTU contingents in such situations.

Police Deployment in 9 June Incident

7.26 Police deployed a total of 3 197 officers to manage the events throughout the day from 05:00 on 9 June to 05:00 on 10 June.

Police Handling of 9 June Incident

7.27 A LoNO was issued for the POE for 9 June which was scheduled to run from 14:30 at Victoria Park, Causeway Bay, to Tim Mei Avenue, Central, at 23:59. The anticipated number of participants was 5 000 persons, according to the event organiser. Police figure recorded the peak number of protesters at 240 000 persons (while CHRF claimed to have 1.03 million participants).

7.28 The public meetings and public procession were conducted in a peaceful manner on the whole. However, some of the protesters turned violent after the organiser announced the event was concluded. After the conclusion of the event at 22:00, several hundred radical protesters refused to leave the LegCo Complex. They charged police cordon line and attempted to block and occupy the main roads nearby by placing various objects on the road. Subsequently, Legislative Council Road, Tim Mei Avenue and Lung Wui Road were illegally occupied.

7.29 The radical protesters then dismantled mills barriers which were used for setting up Designated Public Assembly Area of the LegCo Complex and used them to charge on the building and police cordon line. The protesters further escalated violence by throwing iron bars, metal barriers and bottles at police officers.

7.30 Having given repeated warnings but in vain, more police officers were deployed to reinforce the defense of the LegCo Complex and conduct sweeping to disperse the protesters. At 02:53, most of the protesters dispersed from Gloucester Road, and the overall situation resumed normal.

Use of Force

7.31 During the 9 June Incident, the Police had used batons, OC foam and PAVA solution to disperse the protesters.

Media Handling

7.32 On 9 June, 42 members of Force Media Liaison Cadre (FMLC) were deployed to provide liaison support on Hong Kong Island.

7.33 The Police had encountered difficulties in the handling of media in POEs arising from the Fugitive Offenders Bill. The presence of a sizeable number of reporters on the operational ground hindered the effective execution of police duties. Some had intentionally positioned themselves right in front of the police cordon line, establishing a zero distance between the Police and hence separated the protesters and the Police so that the action taken by the Police was less effective with their presence in the middle. It caused severe difficulties to the Police in the due execution of their duties. The deployment of FMLC officers on the ground was not able to fully control the big crowd of reporters and media at all times.

7.34 The authentic identity of the press and media was an area of concern. There is no single organisation that the existing media agencies could subscribe to so that their identity can be verified. The Police believes it was the "fake media" who positioned themselves at the

zero distance as a strategy of the protesters to hinder or delay Police action intentionally. There is also a trend for an increasing number of reporters to claim themselves as "net media" whose identity could not be verified by a proper channel. It is arguable as to whether they should be considered as "formal media".

7.35 The Force had been facilitating the work of the news media as much as possible and accorded consideration and courtesy for media representatives. FMLC is in a position to verify the authentic identity of the press on the ground.

IPCC Observations

7.36 The facts surrounding these events give grounds for IPCC observations on the following issues:

(a) Police handling in relation to the opening of Hennessy Road eastbound lanes for the procession;
(b) Police use of force in dispersing protesters; and
(c) Police handling of reporters.

Opening of Hennessy Road Eastbound Lanes for the Procession

7.37 Bearing in mind the right to peaceful POE, the policing policy is to facilitate such POE, which would inevitably cause inconvenience to other road users. Whenever a public procession is to walk through Hennessy Road (normally starting from Victoria Park) and to finish in either Wan Chai, Admiralty or Central, the Police and event organiser would always discuss whether Hennessy Road eastbound lanes should be opened for the procession.

7.38 The Police had previously stated that they had a number of considerations. First, if the entire Hennessy Road is used by a procession, it would impact adversely on the traffic conditions in the vicinity. Second, the eastbound lanes of Hennessy Road serve as the Emergency Vehicle Access. Third, Wan Chai Fire Station is located at the junction of Hennessy Road and Canal Road. If the eastbound lanes of Hennessy Road are taken up by a procession, emergency services from the fire station would be severely affected. The IPCC fully understands the Police concern.

7.39 On the other hand, the procession organiser wants the eastbound lanes to be opened for the procession so that more people can participate. In case of a large turnout, the flow of people can be adjusted. Not only would the time for the procession be shortened, but also the risk of accidents reduced, say, from stampeding. The IPCC also appreciates the stance of the organiser.

7.40 Whether or not the eastbound lanes should be opened depends on the actual situation on the ground at the time. A number of factors have to be taken into account, such as the number of protesters, the pace of the procession, the potential for accidents or unusual incidents raising safety concern. When the number of participants in a procession is not high and the procession progresses in regular pace, the Police considerations prevail. However, when the turnout is large and the pace of the procession sluggish, the safety of the protesters must be accorded priority. There is no absolute formula for making a decision to open up a road entirely. It calls for judgement to be made by the Police after having considered all the factors in communication with the organiser.

7.41 As to the public assembly on 9 June, CHRF, as the organiser, initially estimated that 5 000 would participate. This number certainly did not warrant the use of eastbound lanes. Even when Victoria Park was so crowded with protesters that the organiser had to kick start the procession 40 minutes earlier than scheduled, opening the eastbound lanes might still not be necessary. However, at 16:02 when the turnout at the junction of Hennessy Road and Canal Road was so large that many protesters had spilled over to the eastbound lanes, the Police should have reviewed the situation to consider opening the eastbound lanes. The decision of raising the red flag to warn the protesters could have an adverse effect on the crowd dynamics and could have potentially created incidents in an originally peaceful procession. Finally at 16:30, the Police did open the eastbound lanes. The IPCC notes that later the Police had learnt from this experience and adopted a more flexible approach in considering the opening of the eastbound lanes of Hennessy Road. In fact, the Police opened that section of the road for the procession as early as at 15:00 on Sunday 16 June, and at 15:11 on Monday 1 July.

Police Use of Force in Dispersing Protesters

7.42 The media reported that the procession on 9 June was generally peaceful. Some news reports denounced the protesters for using violence to charge on the police cordon line at the LegCo Complex after midnight.[11] News footage recorded the violence of some protesters. At the clashes outside the LegCo Complex, a police officer was seen assaulted by some violent

[11] Hong Kong Commercial Daily (2019-06-11). 狂徒暴力衝擊立會 8 警受傷 警方指有組織有預謀有準備.
Hong Kong Economic Journal (2019-06-11). 警疑凌晨衝擊有預謀 拘 12 人.
Lion Rock Daily (2019-06-10). 遊行後夜襲立會 暴徒衝擊警防線.
Oriental Daily News (2019-06-10). 煽動群眾衝擊 堵立會搞佔領.
Sing Pao (2019-06-10). 立會門外 龍和道午夜爆衝突 盧偉聰：強烈譴責 數百神秘口罩人擲鐵馬長竹藏刀圖刺警.
Sing Tao Daily (2019-06-11). 示威者疑製造催淚彈假像.
Ta Kung Pao (2019-06-10). 亂港派縱火堵路衝擊立會 多名警員受傷 遊行變暴亂 通宵大混亂.
Ta Kung Pao (2019-06-11). 暴徒衝立會 團體齊譴責.
Wen Wei Pao (2019-06-10). 暴徒夜襲立會 衝防線傷警員 「獨人」現場策劃 持鐵馬攻擊 警胡椒噴霧控制場面.

protesters and was seriously injured in his eyes. Immediately after that, he was further hit by a flying iron rod apparently taken off from a mills barrier. There were news reports that the Police had seized from the protesters weapons and equipment, such as goggles, masks, cable ties, scissors, cutters and a large number of lighters. Spears, electric saws and hammers were also found in the planters at the LegCo Complex.[12] These indicated the clash that night was pre-meditated by at least some of the violent protesters.

7.43 Some news reports, nonetheless, criticised the Police for using excessive force to disperse the protesters and the people who remained in the vicinity of CGC after the procession. News footage captured images of some police officers subduing protesters or dragging them on the ground.[13] Information from the Police confirmed that in the clash on 9 June, police officers had used batons, OC foam and PAVA solution to disperse the protesters. The issue of concern is whether the use of force in the circumstances was reasonable, necessary and proportionate to the threat posed by the protesters.

7.44 Police internal guidelines prescribe the principles governing the use of force. Only the minimum force should be used to achieve a purpose and once that purpose is achieved, the use of such force must stop. The force used should be reasonable in the circumstances. The appropriate level of force depends on the level of resistance of the subject, the officer's own perception of the threat and his ability for self-protection. To control a subject effectively, the officer is justified to use a level of force greater than the resistance of the subject. The officer, when circumstances permit, shall give a warning of the intention to use force and of the nature and degree of force which it is intended to use. Meanwhile, that subject shall be given the opportunity, wherever practicable, to obey police orders before force is used and the force used should cease immediately when the objective has been achieved.

7.45 The Police guidelines on use of force allow officers to use OC foam and PAVA solution when facing active resistance, i.e. physical action to prevent control that might cause injury to oneself or others; and batons in a situation of aggressive assault, i.e. physical assault to cause or likely to cause bodily injury. It is, however, the officer's own judgement as to what level of force is justified, and that officer will be held accountable for his own action. The use of force, under the current legal regime, is therefore a matter of personal responsibility of each police officer who is held accountable to uphold the law and comply with the rules of the Police Force.

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12 Ming Pao (2019-06-11). 留守衝突 19 示威者被捕 358 摘名 八成被記身份者 16 至 25 歲 警:日後或檢控.
Hong Kong Commercial Daily (2019-06-11). 梁君彥展示長矛電鋸圖片證暴力.

13 am730 (2019-06-11). 立法會外午夜起衝突 19 人被捕多人受傷.
USP United Social Press (2019-06-10). 立法會示威區清場其間，有示威者被警員制服後，頭部被撞向金屬防護欄，再被扔至防護欄後方地上昏迷. Retrieved from https://www.facebook.com/UnitedSocialPress/videos/vb.579827748716829/2066539676808123

7.46 Whether the force used was unnecessary or excessive depended on the actual circumstances of the individual incident, in particular the cause of the incidents, the actions of the protesters and the judgement of the police officers. It is a practice of the Police to conduct a review after each deployment to ensure that all officers abide by the relevant guidelines and procedures, and to learn from the experience. It is expected that the Police Force will review all incidents and, if justified, to bring to book any officer who did not follow Police guidelines and the laws in their handling of the POEs. If the Police Force finds any officer having exceeded the bounds imposed by the law and Police regulations, the IPCC, and indeed the community, would expect the Police Force to take timely action to prosecute or discipline the officer concerned. On 2 and 7 March 2020, the Commissioner disclosed publicly that the Police management had taken immediate action to admonish 21 officers for probable misconduct in the handling of these POEs against the Fugitive Offenders Bill. The Commissioner had further stated that this did not mean that no further investigation would be undertaken. There are a number of RCs in relation to these incidents. The IPCC will follow up these complaints in the usual manner.

Police Handling of Reporters

7.47 According to Police internal guidelines, the principle of Police media handling is to build a long-term constructive relationship with the media. Police Public Relations Branch (PPRB) is to perform a mediating role to resolve competing demands, minimise misunderstanding and avoid conflicts with the media. Officers at the scene shall facilitate the work of the news media as much as possible and accord media representatives consideration and courtesy and shall not block camera lenses. The role of PPRB is particularly important in the context of POEs.

7.48 The Police Force has established Media Liaison Teams[14] to serve as a bridge between the Police and the media to facilitate the work of both sides as far as practicable without compromising operational efficiency and deployment. The Media Liaison Teams arrange for FMLC officers, volunteers drawn from different police districts, to go to the scene to facilitate and assist the media work on the ground, to engage the media and to deal with issues arising from press activities. FMLC officers relieve frontline officers from media liaison, so that frontline officers can focus on their operational duty.

7.49 On 9 June 2019, the Police deployed 42 FMLC officers to liaise with the press. As at 29 February 2020, the events that day had given rise to 13 complaints from reporters against police officers for:

[14] The Media Liaisons Teams were first mobilised and deployed on the ground in the Sixth World Trade Organisation's Ministerial Conference in 2005.

(a) Using shields and flashlights to block them from taking photos, filming and reporting the incident;
(b) Pushing them with shields and impolitely dispersing them; and
(c) Using batons against them.

Some of the incidents giving rise to complaints were captured on news footage. These complaints will be dealt with in accordance with the established complaints handling procedures.

7.50 The IPCC recognises the importance for the Police to build a long-term constructive relation with the media. The IPCC fully appreciates the work of reporters on the ground as it is their duty to get the best news coverage possible. At the same time, the IPCC is aware that reporters may risk their safety and hinder the frontline police officers in action. Freedom of the press is important, but it must be balanced with the safety of the reporters themselves, the protesters, and the police officers. The maintenance of law and order is equally important. The IPCC notes that PPRB does not have a list of DOs and DON'Ts to advise reporters at the scene of POEs.

Recommendations by the IPCC under Section 8(1)(c) of IPCC Ordinance

7.51 Based on the facts available, it is apparent that the Police use of force was not proactive at the outset. The Police had reacted with the use of force in the face of the violence of some violent protesters. However, this account of the events does offer lessons for the Police management in applying their policing philosophy of preventing the preventable, managing the unpreventable, and engaging the unacceptable. The evidence from these events is that peaceful POE could morph into violent attack by radical elements. The events of 9 June were just the beginning of this metamorphosis.

7.52 The 13 complaints received from the reporters stemmed from the incident on 9 June clearly indicate there is room for improvement in the Police communication and coordination with members of the press.

7.53 As to the opening of the Hennessy Road eastbound lanes for a procession, there is no magic formula for making a decision. The IPCC notes that the Police has learnt from the experience on 9 June and subsequently adopted a proactive and flexible approach in managing the procession on 16 June and 1 July.

7.54 The IPCC is of the view that this account of the events of 9 June will assist the Police management in deriving lessons to be learnt when reviewing policing strategies and tactics for similar circumstances in future. In this connection, the IPCC recommends that the Police

management conduct the following reviews:

(a) Review how best to ensure individual officers strictly follow the guidelines on the use of force, including revising the training regime for meeting situations similar to recent events.

(b) Review the need for engaging media representatives to draw up a Code of Practice for meeting both Police and media interests in their respective duties to the community and for ensuring safety of all concerned. The Code of Practice should at least cover the following:
   (i) Clear identification of reporters;
   (ii) Voluntary update of reporters list by media organisations;
   (iii) Regulations on safe distance between the Police and media; and
   (iv) Publicity for the Code of Practice.

(c) Establish at the senior management level a procedure for monitoring and reviewing the progress of a procession in order to proactively decide whether, or not, to open further road(s) for a procession. In particular, the Police should review their counting methodology to facilitate making prompt decisions on which road(s) should be opened taking into sufficient account of the changes in the number of participants as the procession progresses and develops.

7.55 The above recommendations should be read in conjunction with the IPCC's recommendations in Chapter 6: Police Use of Force in Public Order Policing.

ANNEX

CHRONOLOGY – SUNDAY 9 JUNE 2019

<u>Key Incidents</u>

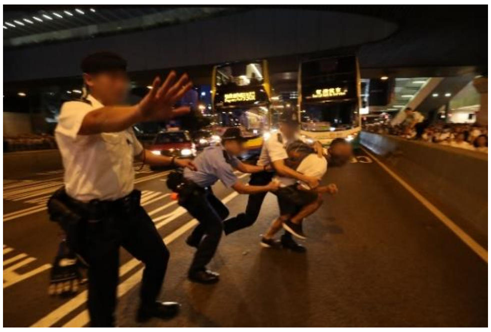
A.	14:22 – 22:30	Phase I –	The Public Procession from 14:22 to 22:30
B.	22:30 – 03:00	Phase II –	Clashes after the End of the Procession

<u>Detailed Chronology of Events</u>

A. Phase I – The Public Procession from 14:22 to 22:30

Time (Approx.)	Incident
11:30 9 Jun	HQCCC of the Police was activated (source: HKPF).
14:22 9 Jun	Due to the large number of people gathered at the Victoria Park, the Organiser, CHRF, started the public procession earlier than the originally planned 15:00 (source: HKPF, media reports and live video footage[1]).  *(Image source: HK01)*
15:53 9 Jun	When the head of the procession arrived at CGC, CHRF asked the protesters to stay behind to join the assembly thereat (source: HKPF, media reports and live video footage[2]).
16:02 9 Jun	Many protesters jammed at the junction of Hennessy Road and Canal Road demanding the Police to open the eastbound lanes of Hennessy Road (source: media reports and live video footage[3]).

Time (Approx.)	Incident
	Some protesters tried to cross the police cordon line to get to the eastbound lanes and the Police raised the red flag warning "*Stop Charging or We Use Force*" (source: HKPF, media reports and live video footage[3]). The protesters, however, demanded the Police to open more roads for the procession (source: media reports and live video footage[3]).    *(Image source: HK01 and Ming Pao)*
16:30 9 Jun	Several protesters broke through the police cordon line and the crowd spilled over to the eastbound lanes of Hennessy Road. The Police retreated and opened the eastbound lanes of Hennessy Road for the procession (source: media reports and live video footage[4]).  *(Image source: HK01)*

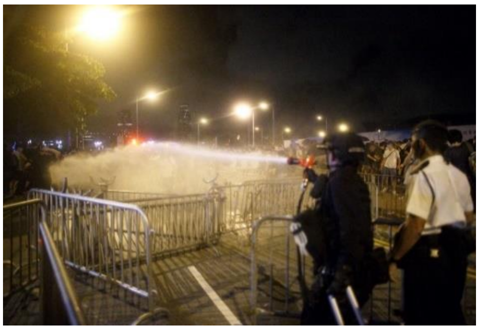
Time (Approx.)	Incident
17:05 9 Jun	At the procession destination, CHRF led protesters to rehearse the beseiging of LegCo Complex (source: HKPF and media reports[5]).
19:25 9 Jun	Six protesters dashed out to Harcourt Road outside Admiralty Centre and tried to block the westbound traffic with metal barriers (source: HKPF and media reports[6]). They fled when the Police arrived but a protester was caught by around six uniformed police officers. About ten odd protesters rushed forward from the procession and grabbed the protester from the Police. A police officer therefore used OC foam on those ten persons who then ran off (source: media reports[7]).   *(Image source: SCMP)*
20:20 9 Jun	Demosistō called for protesters to stay behind to join them to stay at the LegCo Complex (source: HKPF and media reports[8]).
22:30 9 Jun	CHRF announced the procession ended with 1.03 million people took part in it. The Police put the figure at 240 000 at its peak. Another source from economist Francis LUI, who was commissioned by a pro-establishment research institute Hong Kong Institute for Development to give an estimated figure, counted it at around 200 000 (source: media reports[9]).

B. Phase II – Clashes after the End of the Procession

Time (Approx.)	Incident
22:30 9 Jun	The tail of procession reached the vicinity of CGC (source: HKPF). Several hundred protesters stayed outside the LegCo Complex and at Harcourt Road outside Admiralty Centre, blocking the westbound traffic of Harcourt Road (source: media reports and live video footage[10]).
22:47 9 Jun	Members of Studentlocalism and Hong Kong Independence Union announced that they would stay at Tim Mei Avenue until 12 Jun (source: HKPF, media reports, live video footage[11]) and stated that they would take the protest to a higher level if the

Time (Approx.)	Incident
	Government did not withdraw the Bill (source: media reports and live video footage[12]).
23:09 9 Jun	The Government made a statement acknowledging the high turnout of the procession earlier in the afternoon and announcing the Second Reading of the Fugitive Offenders Bill would continue on 12 Jun 2019 (source: Information Services Department[13]).
23:40 9 Jun	Police officers formed a cordon line and attempted to disperse the several hundred protesters outside Admiralty Centre but the protesters refused to leave. A stand-off between the Police and the protesters remained there until 01:00 when most of the protesters on Harcourt Road left the spot and police officers dispersed the remaining protesters back to the pavement (source: media reports and live video footage[14]).
00:01 10 Jun	Several hundred protesters began to charge on the police cordon line at the designated demonstration area at the LegCo Complex (source: HKPF, media reports and live video footage[15]). At first, it was just push and pull. Later, some protesters sporadically threw objects like water bottles, slippers and traffic cones at the police officers. The Police raised the red warning flag to indicate "*Stop Charging or We Use Force*". The situation intensified as some violent protesters pushed metal barriers towards the cordon line and continued to throw objects at the police officers. The protesters also dismantled the roadside railings for metal rods, or took large objects readily available on the streets such as litterbins or traffic cones for the clash with the police officers. The police officers responded with baton strikes and sprayed OC foam (source: media reports and live video footage[16]).  

Time (Approx.)	Incident
	 *(Image source: From Stand News Facebook public page, Sing Tao Daily and HK01)*
00:13 10 Jun	Some protesters fled to Tim Mei Avenue and Lung Wui Road (source: HKPF).
00:15 10 Jun	At the LegCo Complex, the protesters continued to push metal barriers towards the police cordon line. Some of them threw metal rods at the police officers. In response, police officers, as seen from the news footage, dispersed the protesters by striking them with batons and using OC foam in closed range. During the process, some subdued protesters were dragged or pulled on the ground. New footage also captured a police officer being attacked by some violent protesters and was injured in the eyes. The injured police officer was then seen hit by a flying iron rod taken off a metal barrier. Other police officers immediately took him into the LegCo Complex (source: HKPF, media reports and live video footage[17]).  *(Image source: HK01)*
00:18 10 Jun	Seven platoons of EU officers (around 250 officers in riot gear previously stationed at Police Headquarters), equipped with PAVA solution (pepper liquid), supported by STC officers, arrived at the LegCo Complex as reinforcement (source: HKPF, media reports and live video footage[18]).
00:19 10 Jun	Protesters took mills barriers from Tim Mei Avenue. They then fled to Lung Wo Road and took mills barriers from there (source: HKPF, media reports and live video footage[19]).

Time (Approx.)	Incident
00:26 10 Jun	Around 200 protesters fled and gathered at Lung Wo Road and Lung Wui Road (source: HKPF, media reports and live video footage[20]).
01:00 10 Jun	A few hundred protesters blocked off Lung Wo Road with metal barriers. They also threw bulk litter containers and different objects to Lung Wo Road underpass from height. The Police dispersed the crowd with PAVA solution. Many protesters stayed at Tamar Park (source: HKPF, media reports and live video footage[21]).   *(Image source: HK01)*
01:32 10 Jun	About 550 police officers in riot gear were deployed to disperse the protesters from Legislative Council Road towards Tamar Park and Lung Wo Road to the west; and along Tim Mei Avenue and Harcourt Road to the east. According to the Police, some protesters were seen holding fire extinguishers at Legislative Council Road and some were digging up bricks from the pavements in the area, and their act had caused significant threat to the people at the scene. As such, the Police had to conduct dispersal and demanded all the people at scene, including protesters and reporters, to leave the scene as soon as possible to restore public order (source: HKPF). During the police sweeping (i.e. crowd dispersal action), news footage captured that some police officers, along the Central and Western District Promenade near Tamar Park, pushed some reporters with their shields and told them to move forward or leave the scene even when the reporters were pleading to the Police that there was no room for movement (source: media reports and live video footage[22]).

Time (Approx.)	Incident
	  *(Image source: HK01, Reuters)*
02:05 10 Jun	The group of protesters who were dispersed to Fenwick Street walked towards Wan Chai via Gloucester Road eastbound lanes and blocked Gloucester Road with mills barriers, bus stop stands and litterbins. The other group dispersed at Tamar Park walked towards the Central Pier (source: HKPF, media reports and live video footage[23]).  *(Image source: HK01)*

Time (Approx.)	Incident
02:19 10 Jun	Two PTU platoons were deployed to form a cordon line to disperse the crowd at Gloucester Road outside Immigration Tower. Another two PTU platoons were deployed to outside Admiralty Centre to disperse the crowd (source: HKPF, media reports and live video footage[24]).  *(Image source: From Stand News Facebook public page)*
02:20 10 Jun	The Police set up a Temporary Holding Area at Sau Mau Ping Police Station, Kwun Tong (source: HKPF).
02:50 10 Jun	The Police surrounded 358 protesters outside the old Wan Chai Police Station. By this time, most of the protesters had already been dispersed and the Police had reopened Gloucester Road (source: HKPF, media reports and live video footage[25]).
03:00 10 Jun	The Police conducted stop and search on the 358 protesters, over 80% were aged between 16 and 25, outside old Wan Chai Police Station. These protesters were allowed to leave after the Police had recorded their particulars (source: media reports and live video footage[26]).   *(Image source: HK01)*
06:00 10 Jun	Police operation ended (source: HKPF and media reports[27]).

1 HK01 (2019-06-09). 【逃犯條例·6.9 局勢全覽】民陣：103 萬人遊行　警方：高峰期 24 萬. Retrieved from https://www.hk01.com/政情/338451/逃犯條例-6-9 局勢全覽-民陣-103 萬人遊行-警方-高峰期 24 萬
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CHAPTER 8

INCIDENT DAY – WEDNESDAY 12 JUNE 2019

Introduction

8.1 This Chapter deals with the events on 12 June 2019, the day scheduled for the Second Reading of the Fugitive Offenders Bill at a Legislative Council (LegCo) meeting at 11:00. Not only was the LegCo meeting cancelled as a result of tens of thousands of protesters gathering in the vicinity of Central Government Complex (CGC), beginning in the early hours of that day, violent clashes also broke out when hundreds of violent protesters charged on the police cordon lines at the CGC area at 15:00, the time given in the protesters' ultimatum for the Government to withdraw the Fugitive Offenders Bill. The violent protesters hurled bricks, iron rods and other hard objects at the police officers on the cordon lines, who in response initially defended with batons, OC Foam / OC Gel and PAVA solution but eventually fired tear gas and less-lethal projectiles (including rubber rounds, super sock rounds and react rounds) to disperse the protesters as the situation deteriorated. The turmoil continued until midnight. Police action on 12 June aroused public concern and attracted 27 Reportable Complaints (RCs) and 33 Notifiable Complaints (NCs) in total (see paragraphs 8.22-8.28 for details). These complaints are investigated by CAPO and each RC will be monitored by the IPCC assigning observer(s) to attend interview(s) and observe the collection of evidence conducted by CAPO. The purpose of this Chapter is to enable the IPCC to inform itself of the facts of the incidents giving rise to these complaints and the context in which these incidents took place, so that the IPCC is in a better position to undertake its function under section 8(1)(a) of the IPCC Ordinance in monitoring and reviewing the investigations of the individual complaints by CAPO. At the same time, the opportunity is taken to make recommendations to the Commissioner of Police (Commissioner) under section 8(1)(c) of the IPCC Ordinance so that complaints from future Police operations may be prevented.

Events leading to the incidents on Wednesday 12 June 2019

8.2 With the protests followed by violent clashes outside the LegCo Complex on 9 June after the Government's announcement that the Second Reading of the Fugitive Offenders Bill would proceed on 12 June, those opposing the Fugitive Offenders Bill urged others to join in the protest that day. Calls for escalation of protest against the Fugitive Offenders Bill continued to circulate on the internet. On 10 June, there were calls on the internet for all to "picnic" at the Tamar Park starting from 11 June, a general strike on 12 June in different business sectors and a boycott on classes on the same day. Civil Human Rights Front (CHRF)

also announced their plan to host public meetings against the Fugitive Offenders Bill,[1] starting from 10:00 of 12 June until the end of the Second Reading debate, scheduled by LegCo President to conclude by 20 June.[2] There were also calls on the internet to escalate the level of violence, including storming of the LegCo Complex on 12 June, to oppose the Fugitive Offenders Bill.

8.3 The events on the evening of 9 June, as detailed in Chapter 7, included the siege of the LegCo Complex and clashes with the police officers at police cordon line in the small hours of 10 June. Violent protesters hurled hard objects at police officers, and blocked the roads at the CGC area, paralysing the traffic in the area. On the internet, these events were described as a rehearsal for besieging LegCo Complex on 12 June. It was therefore envisaged that on 12 June, protesters would again lay siege to the LegCo Complex to obstruct LegCo Members' entrance into the building to disrupt the Second Reading of the Fugitive Offenders Bill and would again resort to violence.

8.4 The Police had received intelligence of the protesters' plan for 12 June and foresaw violent opposition from them. The policing objectives on 12 June were the same as those in the operation on 9 June, which were to safeguard the integrity of CGC and LegCo Complex, to ensure that the buildings could function as intended and to protect the safety of the buildings users. These policing objectives would be implemented under the general policing philosophy of aiming to prevent the preventable, to manage the unpreventable and to engage the unacceptable. The Police planned to adopt a proactive approach to crowd management, traffic management and protest activities management, and to take resolute action against any activities that threatened public order and safety. The Police objective was that unauthorised entry into the buildings and violent or illegal acts to impair the functioning of the buildings would not be tolerated.

8.5 In terms of its physical environment, the locations of CGC and LegCo Complex in Admiralty are vulnerable, being surrounded by major traffic routes and plentiful open space, much of which was paved with bricks and lined with metal railings. The Police intelligence received was that they would face not only the same challenges as those on 9-10 June, but also that there would most likely be an escalation of those challenges. What made the Police operation even more difficult was the presence of construction sites at the CGC area, where

[1] On 10 June 2019, CHRF announced that they planned to hold a public meeting against the Fugitive Offenders Bill at the LegCo Complex "Drum" area on 12 June. On 11 June, LegCo, after consultation with the Police on the security arrangement, closed the LegCo Complex "Drum" area until further notice. The CHRF assembly eventually took place on the southern pavement of Lung Wui Road on 12 June as per the LoNO of the Police.

[2] According to LegCo's press release on 11 June 2019, LegCo President announced that 66 hours were reserved from 12 June to 20 June for the Second Reading debate of the Fugitive Offenders Bill. Retrieved from https://www.legco.gov.hk/yr18-19/chinese/press/pr20190611-2.html (Chinese only)

there were supplies of iron bars and other hard and sharp objects, which could be used (and indeed were used) by violent protesters to attack police officers. As dawn broke on 12 June, the Police knew that they had a difficult situation on their hands.

8.6 The night before 12 June, the Police began to adopt a high-profile presence and conducted stop and search operation in Admiralty. The Police also set up mills barriers around the LegCo Complex and commenced deploying officers outside the LegCo Complex.

8.7 It was against this background that the events on 12 June unfolded. A Chronology of the events on this day appears as Annex to this Chapter.

Events on 12 June

8.8 For the operation on 12 June, 189 officers were deployed to stand guard inside CGC and LegCo Complex and 2 248 officers were deployed outside. An additional 1 478 officers were put on contingency reserve duty to handle possible contingent events. 52 officers were assigned to provide media liaison support on-site. 64 officers were assigned to handle duties at Police Headquarters (PHQ).

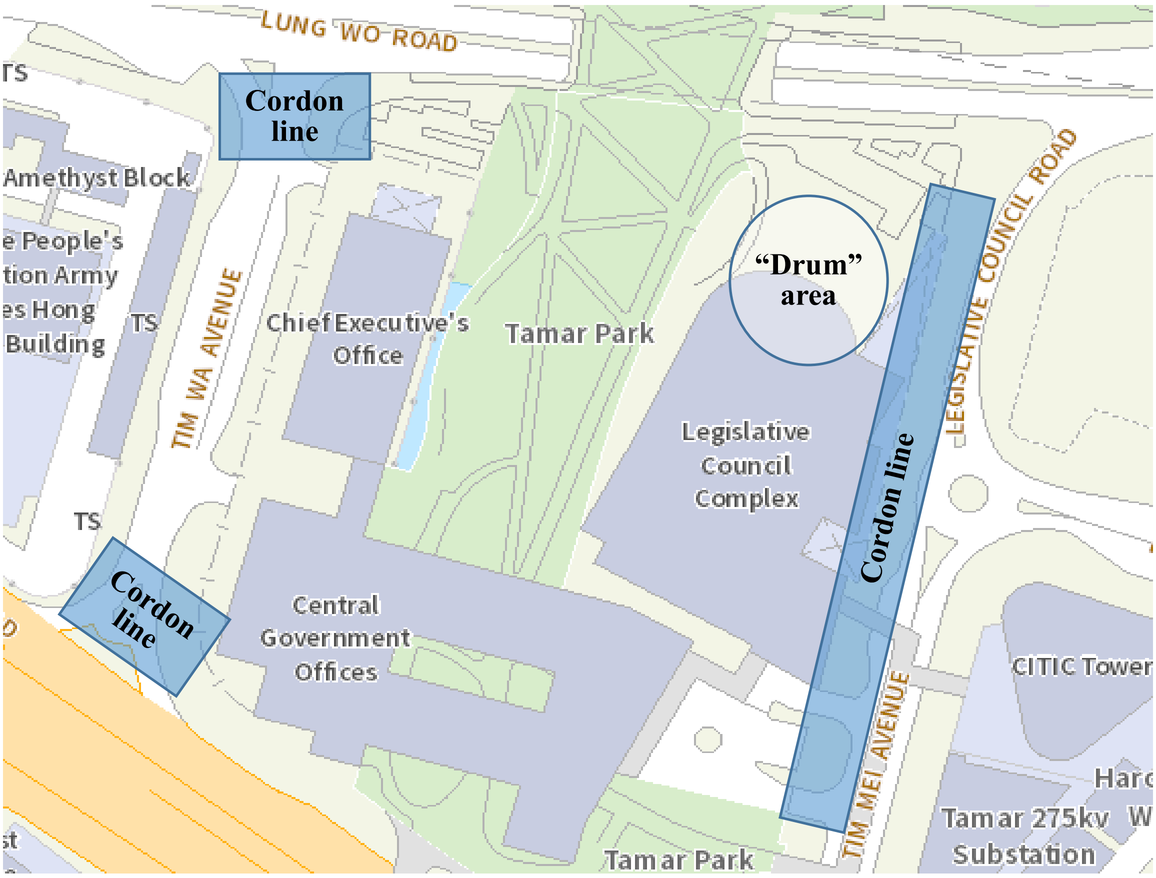
8.9 On 12 June, the Police adopted a two-tier command structure which had been used for handling the clashes at the LegCo Complex on 10 June. In the two-tier command, Headquarters Command and Control Centre (HQCCC), under the command of the Police management and other senior officers from the Operations Wing, gave instructions direct to the Forward Command Posts (FCPs) deployed at the CGC area. The FCPs were commanded by the Central District Commander and five Regional Response Contingent Commanders on the ground.

8.10 Even before dawn, protesters had started streaming into the vicinity of CGC. In the early morning, hundreds of protesters had set up barricades at Lung Wo Road and Harcourt Road, stopping traffic around the CGC area and impeding LegCo Members and other users from entering CGC and LegCo Complex. A number of vehicles were trapped at Lung Wo Road underpass, including a Government vehicle with a Principal Official of the Government on board. By 10:00, according to the Police estimates, about 46 000 people were gathering around CGC. At 10:50, the LegCo announced that the meeting scheduled for 11:00 would be postponed to a time to be determined by the LegCo President. Large numbers of protesters continued to remain at Lung Wo Road and Harcourt Road. Some protesters later also occupied Queensway, bringing the traffic in the Admiralty area to a standstill.

8.11 Tension at the CGC area continued to build up that morning, with some protesters prying up bricks from the pavements, taking away iron bars from the nearby construction sites

and dismantling iron rods from the pavement railings. From time to time, some protesters charged on the police cordon line at the junction of Tim Wa Avenue and Harcourt Road (see Map 8-1 below).

8.12 An ultimatum also appeared on the social media that if the Government did not withdraw the Fugitive Offenders Bill by 15:00 on 12 June, protest action would be escalated, including storming of the LegCo Complex. When the time reached the deadline of 15:00 set by the protesters for the Government to withdraw the Fugitive Offenders Bill, some violent protesters wearing helmets, masks, goggles and other protective gear began pushing the mills barriers at police cordon lines at the CGC area and hurling bricks, water bottles, umbrellas, helmets and other hard objects at the police officers holding these lines (see Map 8-1 below). At 15:30, HQCCC declared to all frontline officers the situation as a "riot". To defend the cordon lines, police officers used shields, OC Foam / OC Gel, PAVA solution, batons and less-lethal projectiles. The police officers eventually retreated and used tear gas to disperse the protesters at the LegCo Complex "Drum" area and Tim Wa Avenue, preventing violent protesters from storming CGC and LegCo Complex again where people were working inside.



Map 8-1: Police cordon lines at CGC area

(Source of base map: Lands Department)

8.13 Around 16:00, HQCCC gave instructions to conduct sweeping action at the CGC area to disperse protesters in the directions from east to west and then from north to south.

8.14 At that time, an assembly organised by CHRF with a Letter of No Objection (LoNO) issued by the Police was being held outside the main entrance of CITIC Tower at Lung Wui Road with hundreds in attendance. After the clashes at the LegCo Complex "Drum" area, some violent protesters dispersed by the Police might have fled to that spot and stayed there with the assembly participants. When the Police continued sweeping operation with tear gas, most people on Lung Wui Road dashed into CITIC Tower, while some left via Tim Mei Avenue. This episode, which lasted for about 15-20 minutes, is hereinafter referred to as the "CITIC Tower Incident".

8.15 After sweeping protesters from the roads around CGC and LegCo Complex into Harcourt Road, the Police continued to disperse protesters in the southern part of Admiralty such as Harcourt Road and Queensway. According to the Police, the last tear gas was fired between 21:00 and 22:00 at the junction of Queensway and Justice Drive. During the sweeping action, many protesters dispersed to Wan Chai and Central until midnight.

8.16 In the operation on 12 June, the Police used 240 tear gas rounds, 19 rubber rounds (i.e. rubber baton rounds and rubber slugs), three super sock (bean bag) rounds and 33 react rounds. Batons, OC Foam, OC Gel, PAVA solution and pepper balls were also used.

8.17 According to the Police, a total of 23 police officers were injured during the operation on 12 June, including 16 injured by bricks, iron bars or other objects hurled at them. The Hospital Authority (HA) at various hospitals treated a total of 81 persons related to the public order events (POEs) on 12 June.

8.18 As at 29 February 2020, the Police had arrested 39 persons in connection with the incident on 12 June for various offences, including "Riot", "Disorder in Public Place", "Unlawful Assembly", "Assault on Police Officer", "Obstructing Police Officer", "Resisting Police Officer", "Loitering", "Possession of Dangerous Drugs", "Possession of Instrument Fit for Unlawful Purpose", and "Possession of Offensive Weapons". Among them, ten had been charged[3] in Court pending trial, 11 were still under investigation whereas 18 had been released.

[3] Charged offences were "Unlawful Assembly", "Taking Part in a Riot", "Assault on Police Officer", "Resisting Police Officer" and "Possession of Dangerous Drugs".

8.19 What happened on 12 June has raised public concern about the following issues:

(a) Police use of force;
(b) The CITIC Tower Incident;
(c) Police declaration of riot;
(d) Police handling of reporters; and
(e) Police plan for the operation on 12 June.

Sources of Information

8.20 For the purpose of its study of the events of 12 June, the IPCC has scrutinised the following materials:

(a) Documents provided by the Police in respect of police deployment and operation, prior intelligence received, police weapons used and casualties involved on 12 June;

(b) Operational Orders related to "Operation TIDERIDER" provided by the Police;

(c) Information obtained from meetings with the Police;

(d) Footage recorded by the Police pertaining to the operations on 12 June. A total of 40 video clips of seven hours long were viewed;

(e) News reports and news footage produced by different television companies, newspapers and media outlets. A total of 318 news reports and 281 video reports of 163 hours long;

(f) Photos and footage provided by the public upon the IPCC's appeal concerning the incident on 12 June;

(g) CITIC Tower CCTV footage provided by the property management of CITIC Tower. 134 hours of footage in relation to 12 June;

(h) Press statements obtained from the website of the Information Services Department (*news.gov.hk and info.gov.hk*), the Police (police.gov.hk) and LegCo (legco.gov.hk) concerning the incident on 12 June; and

(i) Information provided by the HA on the number of persons receiving medical

treatment as a result of the incident on 12 June.

The Events

8.21 The events on 12 June can be divided into three phases, the first phase from the night of 11 June to 14:59 on 12 June covering protesters' acts and the Police action before the afternoon clashes at the CGC area, the second phase from 15:00 to 15:49 on 12 June covering the clashes at the CGC area, and the third phase from 15:50 to 23:59 on 12 June covering the Police sweeping action in Admiralty during which the CITIC Tower Incident took place.

Phase I: Protesters' Acts and the Police Action before the Afternoon Clashes at the CGC Area (from the night of 11 June to 14:59 of 12 June)

- Since the night of 11 June, people started to gather around CGC to protest against the Fugitive Offenders Bill (see Image 8-1) (source: media reports). At 07:15 on 12 June, around 1 600 and 900 persons gathered outside CGC and at Tamar Park respectively (source: HKPF).



Image 8-1: Outside LegCo Complex on the night of 11 June
(*Image source: HK01*)

- At 07:45, hundreds of protesters dashed to Lung Wo Road and trapped a number of vehicles, including three police vehicles with only drivers on board, and a Government car with a Principal Official on board, at Lung Wo Road underpass with mills barriers (see Image 8-2) (source: HKPF, media reports and live video footage). At 08:10, HQCCC informed all duties on the ground to put shift-change on hold (source: HKPF).



Image 8-2: Lung Wo Road at about 08:00

(Image source: TVB)

- At 08:25, hundreds of protesters originally gathered on Tim Mei Avenue and Rodney Street also dashed to Harcourt Road and blocked the road with mills barriers, traffic cones and other objects (see Image 8-3). At Harcourt Road, some police officers attempted to stop the protesters by using PAVA solution but were unsuccessful. Harcourt Road was eventually occupied by thousands of protesters (source: media reports and live video footage). At 08:45, HQCCC instructed that police officers could maintain a safe distance from protesters as the crowd size was expanding rapidly and some protesters were becoming increasingly emotional and violent (source: HKPF).



Image 8-3: Harcourt Road at 08:30

(Image source: Now TV)

- At 08:46, the Police urged the protesters via social media to leave Lung Wo Road; otherwise, the Police would have to use force to save the vehicles and the people trapped there. The Police stressed that it would not be a clearing action. The Police eventually did not conduct sweeping on Lung Wo Road but deployed members of the Police Negotiation Cadre at 09:15 to negotiate with the protesters at Lung Wo Road for the release of the people and vehicles trapped there. The negotiation was unsuccessful. The vehicles and the people on board remained there until the Police conducted rescue operation at 15:50 (source: HKPF).

- By 09:00, the roads at the CGC area, namely Legislative Council Road, Tim Mei Avenue, Lung Wui Road, Lung Wo Road and Harcourt Road were flooded with protesters. Access to the LegCo Complex was obstructed (see Image 8-4) (source: media reports and live video footage). At 10:00, according to the Police estimates, about 46 000 gathered in the CGC area, 11 000 at Tim Mei Avenue, 22 000 at Harcourt Road, 10 000 at Lung Wo Road, 2 000 at Tamar Park and 1 000 at Lung Wui Road (source: HKPF).



Image 8-4: CGC area at 10:10

(Image source: HK01)

- At 08:30, some protesters started collecting and preparing various materials at the CGC area, such as prying up bricks from the pavements (see Image 8-5), taking away iron bars from construction sites, dismantling iron railings and using plastic strings to tie mills barriers together. They also distributed these materials at the area (see Image 8-6) (source:

media reports and live video footage). At 09:18, HQCCC gave instructions that officers should take their personal safety as the top priority and avoid triggering off confrontation on any action by the Police. At 12:30, the Police warned protesters via social media not to hurl bricks, which could cause serious injury to others (source: HKPF).



Image 8-5: Bricks pried up from Lung Wo Road pavement

(Image source: HK01)



Image 8-6: Iron bars and water-filled barriers conveyed along Tim Mei Avenue

(Image source: Cable TV)

- At 10:56, hundreds of protesters gathered at the junction of Tim Wa Avenue and Harcourt Road. Some of them charged on the police cordon line, pushed barricades against the police cordon line and hurled objects at police officers (see Map 8-1 above) (source: live video footage and media reports). At 10:57, HQCCC gave instructions that the officers at Tim Wa Avenue should defend CGC as far as possible; if the situation deteriorated and became out of control, officers should retreat to indoor areas to ensure their personal safety (source: HKPF). Police officers used PAVA solution, OC Foam / OC Gel, batons and shields to defend the cordon line. The clash stopped at about 11:06 (source: live video footage and media reports).

- At 10:50, LegCo President announced that the LegCo meeting for the Fugitive Offenders Bill, scheduled for 11:00, would be postponed to a time to be decided by him (source: LegCo website). The protesters did not leave the Admiralty area and maintained their demand that the Government withdraw the Fugitive Offenders Bill (source: live video footage and media reports). In view that some protesters had charged on police cordon lines and collected construction materials at the CGC area and the situation was deteriorating, HQCCC at 11:17 instructed the field commanders that they should consider the use of force level in life-saving situations if sweeping had to be conducted (source: HKPF).

- Starting from 09:35, some vehicles moved slowly or stopped on the roads of Admiralty, Wan Chai and Central, causing traffic obstruction. At 10:40, the Police, through social media, stated that there were vehicles deliberately blocking Queensway and Cotton Tree Drive and requested other drivers to avoid driving to the affected areas (source: media reports). At 11:28, some police traffic officers requested reinforcement at Queensway and Cotton Tree Drive, but no spare manpower could be deployed (source: HKPF). At about 12:00, some protesters blocked Queensway with mills barriers and other barricades (see Image 8-7). Traffic in the Admiralty area came to a standstill (source: media reports).



Image 8-7: Queensway at 11:52
(Image source: HK01)

- CHRF was allowed to hold an assembly with a LoNO issued by the Police at the southern pavement of Lung Wui Road to protest against the Fugitive Offenders Bill between 10:00 and 23:59 for three consecutive days from 12 June to 14 June.[4] As stated in the LoNO, CHRF estimated that the attendance would be around 500 (source: HKPF). Before noon, a stage for the CHRF's assembly was set up outside the main entrance of CITIC Tower at the southern pavement of Lung Wui Road. Hundreds of protesters were seen on Lung Wui Road and multiple layers of mills barriers were placed by protesters at the eastern end of Lung Wui Road, near the junction of Lung Hop Street and Performing Arts Avenue (source: media reports and live video footage). At about 14:00, some political figures spoke on the stage of the assembly and hundreds of protesters gathered outside the main entrance of CITIC Tower on Lung Wui Road (source: CITIC Tower CCTV, media reports and live video footage).

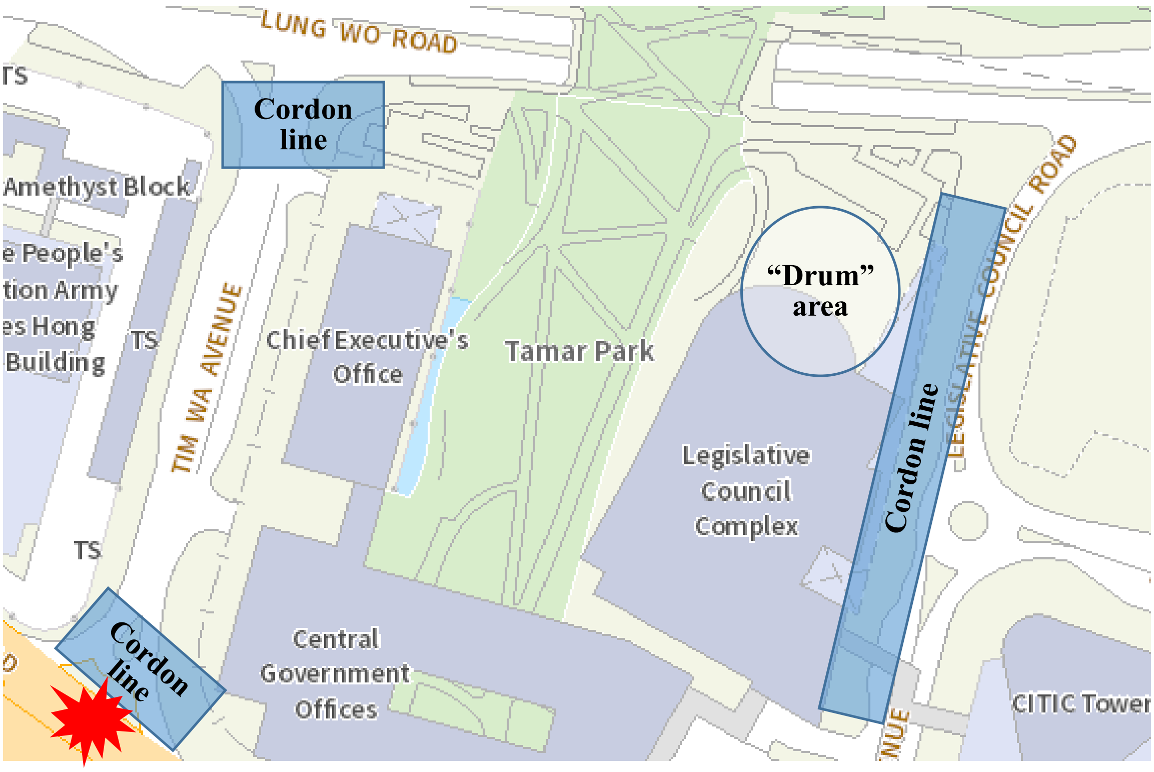
- At 14:00, HQCCC gave instructions that frontline officers should retreat if they could not hold cordon lines upon attack by protesters and should not fire tear gas (source: HKPF).

[4] At about 22:00 on 12 June 2019, CHRF told the press that the Police had objected to the holding of assembly on the following day (source: media reports).

Phase II: The Afternoon Clashes at the CGC Area (from 15:00 to 15:49 of 12 June)

- 15:00 was the protesters' deadline for the Government to withdraw the Fugitive Offenders Bill (source: media reports). At 15:00, HQCCC instructed all frontline officers to prepare for possible attack from protesters and to equip themselves with full gear (source: HKPF).

- At 15:03, at the junction of Tim Wa Avenue and Harcourt Road (the western side of CGC) (see Map 8-2 below), hundreds of violent protesters holding umbrellas and wearing facemasks, helmets and other protective gear started to push mills barriers towards the police cordon line and hurl umbrellas, traffic cones and other objects at the police officers. At the beginning, the police officers defended with PAVA solution, OC Foam / OC Gel, batons and shields behind the mills barriers. A group of police officers later moved past the mills barriers and used batons to disperse the protesters in the front. After the protesters had retreated, the police officers returned to the police cordon line behind the mills barriers (source: media reports and live video footage).



Map 8-2: Clash at the junction of Harcourt Road and Tim Wa Avenue

(Source of base map: Lands Department)

- At 15:25, while the clash at Tim Wa Avenue (the western side of CGC) was ongoing, many protesters wearing facemasks, helmets and other protective gear also prepared to charge on the police cordon line at the vehicular entrance of the LegCo Complex on Legislative Council Road (the eastern side of CGC) (see Map 8-3 below). They used plastic strings

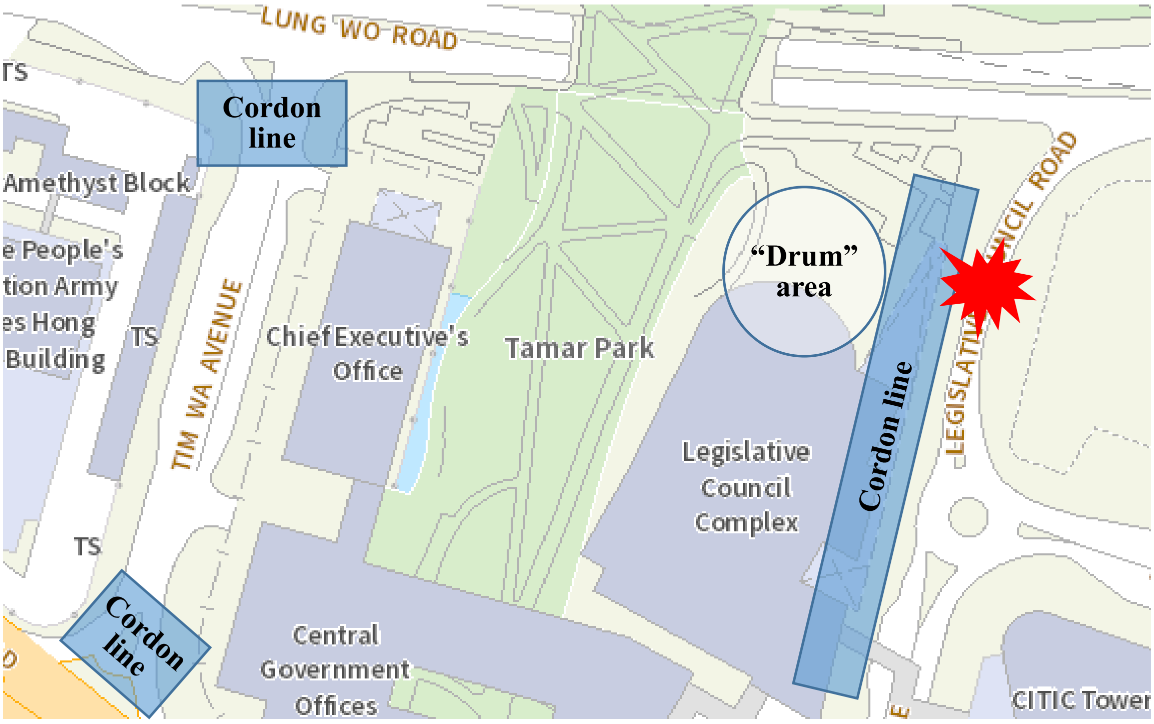
to tie mills barriers together and pushed them towards the cordon line (see Image 8-8) (source: media reports and live video footage).



Image 8-8: Legislative Council Road at 15:26
(Image source: HK01)

- At 15:30, HQCCC declared to all frontline officers the situation as a "riot" (source: HKPF).

- At 15:32, violent protesters charged on the cordon line at the vehicular entrance of the LegCo Complex (see Map 8-3 below). They protected themselves with umbrellas and other protective gear and hurled various hard objects at the police officers. Those in the front used iron bars and umbrellas to attack the police officers (see Image 8-9). The police officers defended with PAVA solution, OC Foam / OC Gel, batons and shields. About a minute later, the protesters briefly moved back but kept hurling objects at the police officers (source: media reports and live video footage).



Map 8-3: Clash at Legislative Council Road

(Source of base map: Lands Department)



Image 8-9: Vehicular entrance of LegCo Complex at 15:33

(Image source: Now TV)

- At 15:34 and 15:37, HQCCC instructed that all officers guarding CGC and LegCo Complex could retreat if they could not resist the attacks from the protesters (source: HKPF).

- At 15:37, police officers at Tim Wa Avenue started to retreat from the cordon lines to the entrance of Central Government Offices (CGO) (source: media reports and live video footage).

- At 15:39, the violent protesters at the vehicular entrance of the LegCo Complex charged on the cordon line again, hurled bricks and other objects at the police officers and shoved the mills barriers (see Image 8-10) (source: media reports and live video footage).



Image 8-10: Vehicular entrance of LegCo Complex at 15:40

(Image source: Now TV)

- At 15:41, the police officers at the vehicular entrance of the LegCo Complex, after firing less-lethal projectiles, started to retreat into the LegCo Complex "Drum" area. Meanwhile, the police officers guarding the cordon lines at Tim Wa Avenue were also retreating to the entrance of CGO. The violent protesters at both Tim Wa Avenue and Legislative Council Road continued to hurl various objects including bricks at the retreating officers and pushed away the mills barriers erected on the police cordon lines. The protesters then entered Tim Wa Avenue and the LegCo Complex "Drum" area respectively (source: live video footage and media reports).

- At 15:42, HQCCC instructed that tear gas could be used for tactical retreat (source: HKPF). The violent protesters, after entering the LegCo Complex "Drum" area, kept moving

forward, hurling various objects and pushing mills barriers towards the retreating officers. The officers then fired less-lethal projectiles and used PAVA solution in response. Between 15:46 and 15:48, the police officers who had retreated to the Public Entrance 1 of LegCo Complex (at the "Drum" area) fired tear gas at the "Drum" area (see Image 8-11). At 15:49, the police officers successfully dispersed the protesters from the LegCo Complex "Drum" area and re-established a cordon line at the vehicular entrance of the LegCo Complex (source: media reports and live video footage).

➢ As to the clash at Tim Wa Avenue, tear gas was fired at 15:47 on Tim Wa Avenue near the junction with Harcourt Road while the police officers on Tim Wa Avenue were retreating to CGO entrance (see Image 8-11) (source: media reports and live video footage). At 15:50, police officers retreated into CGO and closed the gates at CGO (source: HKPF). After tear gas had gradually dissipated, some protesters returned to Tim Wa Avenue from Harcourt Road and Lung Wo Road. Tear gas was fired on Tim Wa Avenue between 16:00 and 16:20. All protesters on Tim Wa Avenue were eventually dispersed to Harcourt Road and the cordon lines at Tim Wa Avenue were re-established around 16:20 (source: media reports and live video footage).

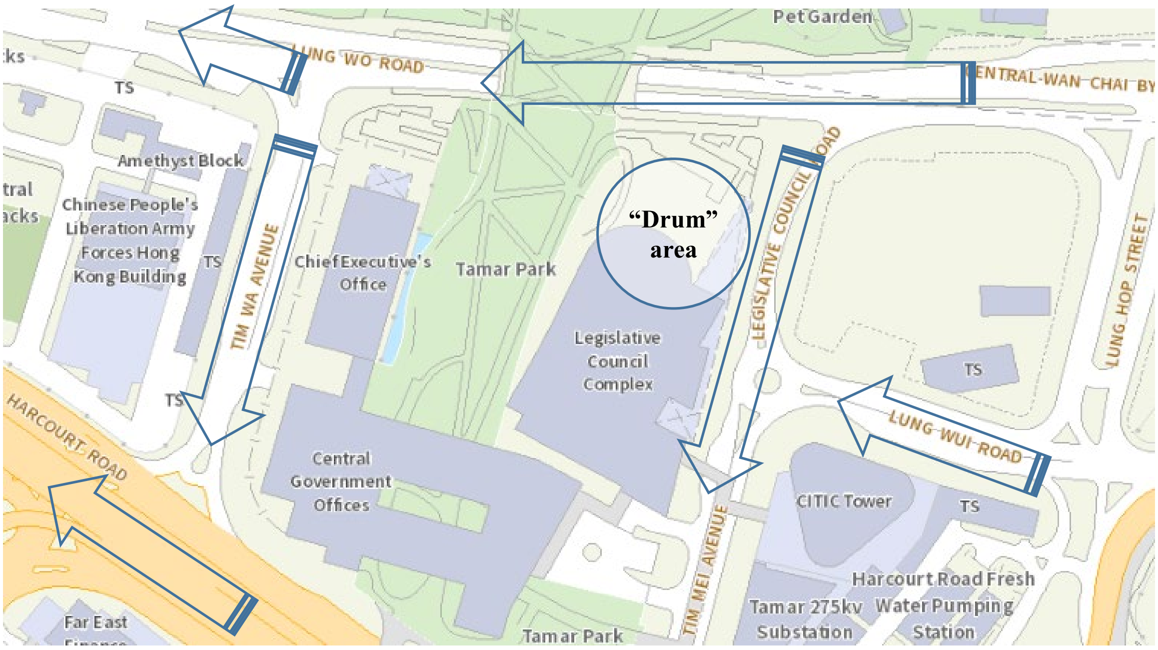


Image 8-11: Tear gas at Tim Wa Avenue (left) and LegCo Complex "Drum" area (right) at 15:47
(Image source: Cable TV)

Phase III: Police Sweeping Action in Admiralty (from 15:50 to 23:59 of 12 June)

- At 15:50, HQCCC instructed that all police officers on the ground could escalate the use of force if their lives were threatened. At the same time, a group of police officers at the junction of Lung Wo Road and Lung Hop Street was instructed to conduct an operation to rescue the vehicles with their passengers trapped at Lung Wo Road underpass (source: HKPF). These officers moved westward along Lung Wo Road and fired tear gas at Lung Wo Road to disperse the protesters westwards and help the vehicles leave the spot (source: HKPF, media reports and live video footage).

- At 16:03, HQCCC gave instructions to all field commanders to disperse the protesters in the vicinity of CGC, by sweeping operation in the directions from east to west and then from north to south (see Map 8-4 below) (source: HKPF). In the course of the sweeping operation, the "CITIC Tower Incident" happened during which police officers had fired tear gas and pepper balls outside CITIC Tower when the CHRF's assembly was ongoing. (Remark: the chronology of the CITIC Tower Incident is separately given below.)



Map 8-4: Police sweeping directions

(Source of base map: Lands Department)

- At about 16:20, the police officers on Tim Wa Avenue, having dispersed all protesters from Tim Wa Avenue to Harcourt Road, formed a cordon line at the junction of Tim Wa Avenue and Harcourt Road. Meanwhile, the police officers on or near Lung Wui Road dispersed the crowd outside CITIC Tower to Tim Mei Avenue and continued to conduct sweeping along Tim Mei Avenue, dispersing the crowd to Harcourt Road. At 17:00, another group

of police officers started dispersing those staying at Harcourt Road near Admiralty Centre and Far East Finance Centre. The protesters were dispersed westwards and southwards. Eventually, they moved to the Harcourt Road flyover and other roads in the southern part of Admiralty, such as Rodney Street, Drake Street, Tamar Street and Queensway (source: media reports and live video footage).

- At 16:25, the Commissioner spoke to the press in Chinese, "…目前已是騷亂的情況…" (IPCC translation: "…the situation is a civil disturbance…").[5] At 17:42, the Police issued a press release entitled "Police take action to stop riot", explaining the situation and the Police action in Admiralty since that morning (source: Government website and HKPF). At 20:50, the Chief Executive condemned the protest, speaking in Chinese "…這已經不是和平集會，而是公然、有組織地發動暴動…" (official translation: "…this is no longer a peaceful assembly but a blatant, organised riot…") (source: Government website).

- At 18:00, LegCo announced that no meeting would be convened that day (source: LegCo website). Thousands of protesters did not leave but caused obstruction to different roads in Admiralty, Central and Wan Chai. The Police continued to use force including tear gas and less-lethal projectiles to disperse the protesters in Admiralty (source: media reports and live video footage). At 22:13, a burning object (suspected petrol bomb) was thrown on the ground of Harcourt Road near Hutchison House. No one was hit or injured (source: media reports).

- Police dispersal action in Admiralty, Central and Wan Chai continued until most of the protesters eventually left those areas shortly after midnight (source: media reports and live video footage). According to the Police, 240 tear gas rounds, 19 rubber rounds (i.e. rubber baton rounds and rubber slugs), three super sock (bean bag) rounds and 33 react rounds were used in the operation on 12 June. Batons, OC Foam, OC Gel, PAVA solution, and pepper balls were also used (source: HKPF).

The CITIC Tower Incident

- After regaining control of LegCo Complex "Drum" area at 15:49, police officers guarding LegCo Complex re-established a cordon line at the vehicular entrance of LegCo Complex on Legislative Council Road. Hundreds of protesters remained on Legislative Council

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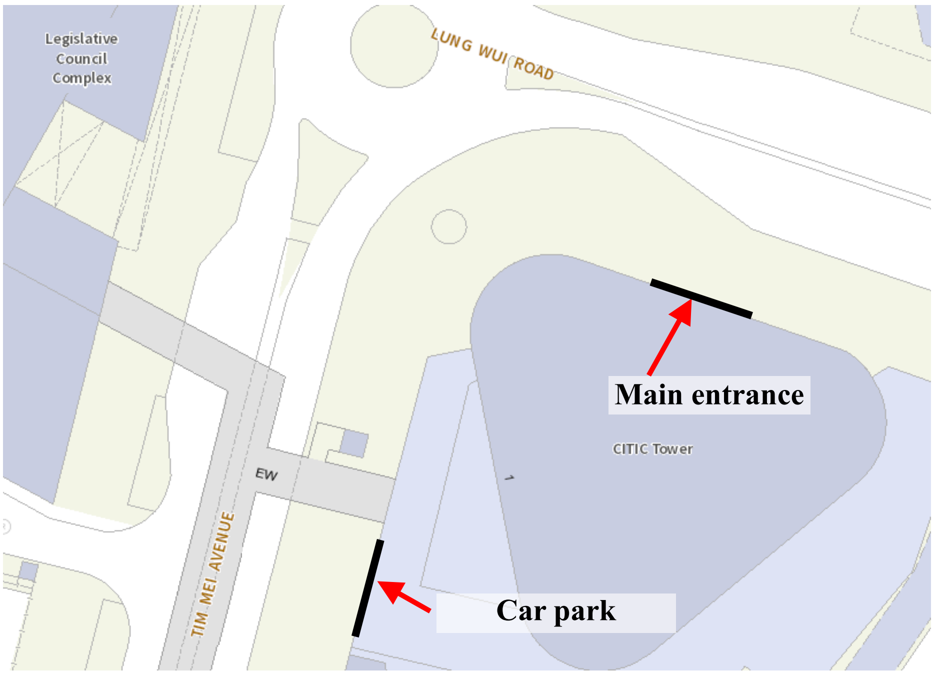
[5] On 13 June 2019, the Commissioner of Police stated in a press conference that the Police declared the situation as a "riot" at 15:30 on 12 June 2019 and he meant to say "riot" instead of "civil disturbance" on 12 June. On 17 June 2019, the Commissioner clarified that his comments about "riot" only referred to those whose behaviour amounted to riotous acts and assured the public that those who took part only in the POEs that day but not in the violent acts needed not worry that they had committed riot offences.

Road and some of them hurled objects at the cordon line. The police officers then fired tear gas on Legislative Council Road between 15:53 and 15:55 (see Image 8-12). The protesters were dispersed to the adjacent Lung Wo Road, Lung Wui Road and Tim Mei Avenue (source: media reports and live video footage). Those on Tim Mei Avenue either moved to the direction of Harcourt Road or entered CITIC Tower via its car park entrance (see Map 8-5 and Image 8-13 below) (source: CITIC Tower CCTV).



Image 8-12: Legislative Council Road at 15:54

(Image source: Now TV)



Map 8-5: Main entrance and car park entrance of CITIC Tower

(Source of base map: Lands Department)



Image 8-13: Tim Mei Avenue at 15:55
(Image source: CITIC Tower CCTV)

- At the same time, CHRF was holding an assembly covered by LoNO, with a stage erected outside CITIC Tower at the southern pavement of Lung Wui Road. The width of the stage was about half of the width of the southern pavement of Lung Wui Road (source: media reports and live video footage).

- Meanwhile, other police officers were conducting sweeping action westward along Lung Wo Road with the use of tear gas as abovementioned. At 15:57, tear gas was fired at the junction of Lung Wo Road and Legislative Council Road (see Image 8-14). Most of the protesters there moved to Lung Wui Road and the rest moved to Tim Mei Avenue (see Image 8-15). At 16:01, the police officers marching from Lung Wo Road reached Legislative Council Road and fired tear gas on Legislative Council Road and at the adjacent roundabout. The protesters dispersed to either Lung Wui Road or Tim Mei Avenue (source: media reports and live video footage).



Image 8-14: Junction of Legislative Council Road and Lung Wo Road at 15:57

(Image source: Now TV)

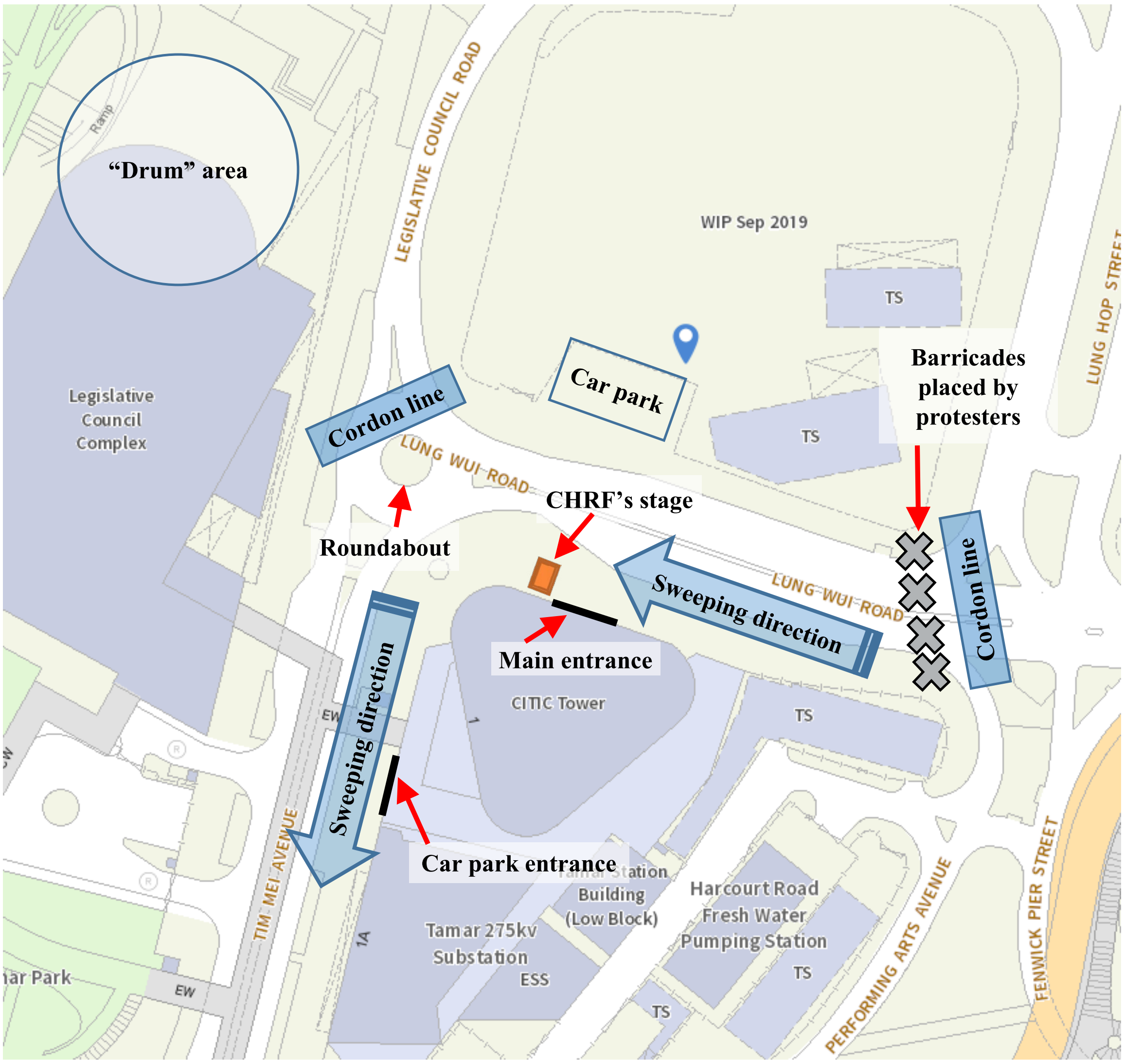


Image 8-15: Most of the protesters moved to Lung Wui Road at 15:58

(Image source: Now TV)

- At 16:03, following HQCCC's instructions of the sweeping plan as abovementioned, police officers continued to disperse the crowd from east to west and from north to south. According to the sweeping plan, the protesters outside the LegCo Complex would be dispersed to Harcourt Road via Tim Mei Avenue as an escape route (see Map 8-6 below) (source: HKPF).

- At that time, police officers formed two cordon lines in the vicinity of Lung Wui Road, one with about 90 officers near the roundabout of Legislative Council Road and the other with about 170 officers at the junction of Lung Hop Street and Performing Arts Avenue which was behind the multiple layers of mills barriers placed by protesters (see Map 8-6 below) (source: HKPF, media reports and live video footage).



Map 8-6: Police cordon lines and sweeping directions at 16:03

(Source of base map: Lands Department)

- Between 16:03 and 16:04, police officers near the roundabout shot pepper balls and threw tear gas grenades on/near the western end of Lung Wui Road (see Image 8-16) (source: media reports and live video footage). Tear gas was also seen on the pavement at the corner of Tim Mei Avenue and Lung Wui Road (source: CITIC Tower CCTV).



Image 8-16: Tear gas at the western end of Lung Wui Road at 16:04
(Image source: Now TV)

- At that time, there were hundreds of people gathered outside the main entrance of CITIC Tower. People right outside the main entrance of CITIC Tower moved into the building through an open glass door entrance, the only one open at that time (see Image 8-17) (source: CITIC Tower CCTV).

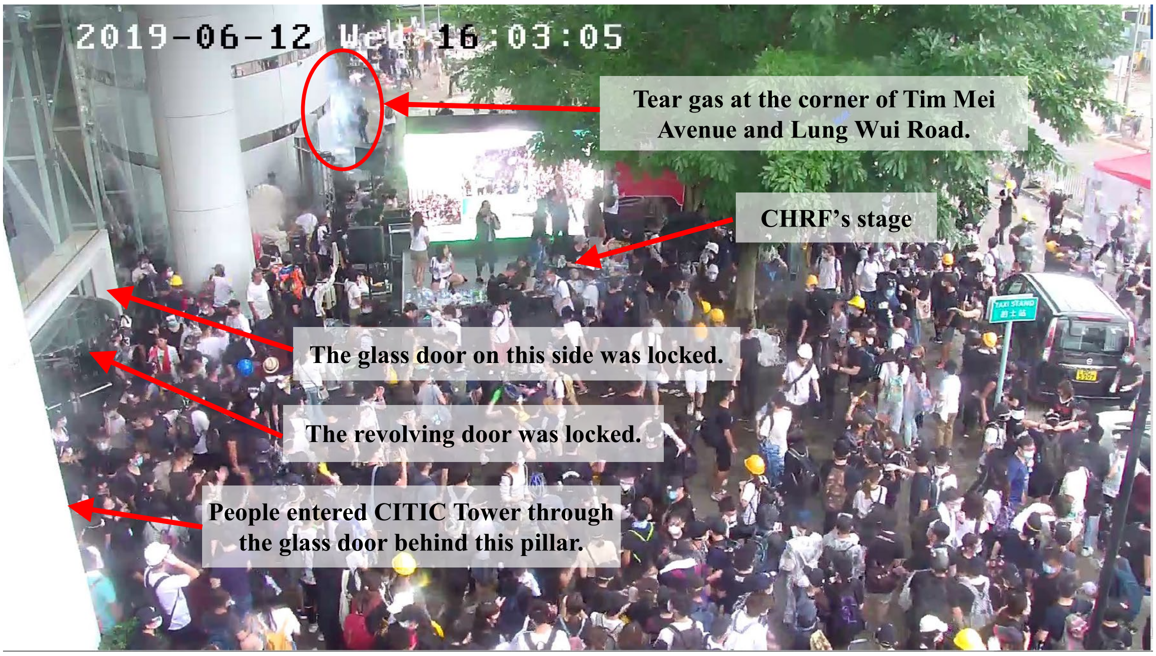


Image 8-17: CITIC Tower main entrance at 16:03

(Image source: CITIC Tower CCTV)

- At 16:04, a female voice could be clearly heard on video footage speaking from a loud amplified source, "慢慢嚟，上返行人路…請大家向演藝方向" (IPCC translation: "slow down, return to pavement, everyone to move to the direction of [the Academy for] Performing Arts"). (Remarks: the Hong Kong Academy for Performing Arts is situated in the east of Lung Wui Road. There was no tear gas fired from the police officers guarding the east of Lung Wui Road at that moment.) At 16:05, a female voice and a male voice spoke from a loud amplified source, "大家向添美道方向", "大家hold住，hold住" (IPCC translation: "everyone to move to the direction of Tim Mei Avenue", "everyone holds on, holds on") (source: live video footage).

- Between 16:06 and 16:07, a female voice and a male voice spoke from a loud amplified source, "頭盔傳去後面", "反惡法 反送中", "需要生理鹽水可以嚟到台邊，台前亦都有口罩" and "大家過嚟呢度攞水" (IPCC translation: "pass helmets to the back", "no draconian law, no Fugitive Offenders Bill", "come to the stage if [you] need masks and saline" and "come here to get water") (source: live video footage).

- At about 16:09, while people at Lung Wui Road were moving into CITIC Tower and tear gas was being fired at the eastern end of Lung Wui Road, a male voice and a female voice heard on video footage said from a loud amplified source, "香港人不打香港人 … 警察克制", "各位市民慢慢入中信 … 淋熄催淚彈 … 大家入中信" (IPCC translation: "Hong Kong people don't hit Hong Kong people … Police be restrained", "everyone to enter CITIC [Tower] slowly … put out tear gas with water … everyone to enter CITIC

[Tower]") (source: media report and live video footage). (Remarks: see also paragraphs 8.40 and 8.41, Police Response.)

- At 16:09, some people on Tim Mei Avenue moved to the direction of the roundabout at the junction with Legislative Council Road (see Image 8-18) (source: CITIC Tower CCTV).

- Between 16:09 and 16:14, tear gas was seen at different spots on Lung Wui Road, the adjacent roundabout and Tim Mei Avenue. A large crowd was seen attempting to enter CITIC Tower via its main entrance (see Images 8-18 to 8-24) (source: CITIC Tower CCTV, media reports and live video footage).



Image 8-18: Lung Wui Road at 16:09

(Image source: Now TV)



Image 8-19: Tim Mei Avenue and Lung Wui Road at 16:10
(Image source: TMHK)



Image 8-20: Tim Mei Avenue and Lung Wui Road at 16:11
(Image source: TMHK)



Image 8-21: Lung Wui Road at 16:11

(Image source: Now TV)



Image 8-22: Tim Mei Avenue and Lung Wui Road at 16:12

(Image source: TMHK)



Image 8-23: Tim Mei Avenue and Lung Wui Road at 16:13

(Image source: TMHK)



Image 8-24: Tim Mei Avenue and Lung Wui Road at 16:14

(Image source: TMHK)

- Meanwhile, tear gas was seen amid the crowd outside the main entrance of CITIC Tower on Lung Wui Road for the periods between 16:10:33 and 16:11:14 and between 16:12:55 and 16:13:25 (see Images 8-25 and 8-26) (source: CITIC Tower CCTV, media reports and live video footage).



Image 8-25: Tear gas was seen at CITIC Tower main entrance from 16:10:33 to 16:11:14

(Image source: CITIC Tower CCTV)



Image 8-26: Tear gas was seen at CITIC Tower main entrance from 16:12:55 to 16:13:25

(Image source: CITIC Tower CCTV)

➢ Some people could move to Tim Mei Avenue but most of the people attempted to enter CITIC Tower via the open glass door at the main entrance. Those on Tim Mei Avenue either moved to the direction of Harcourt Road or entered CITIC Tower via its car park entrance on Tim Mei Avenue. Several people inside CITIC Tower attempted to use mills barriers and other hard objects to break the glass doors at the main entrance that were

locked but did not succeed (see Image 8-27). Some tear gas got inside CITIC Tower and some people inside appeared to be unwell (source: CITIC Tower CCTV, media reports and live video footage).

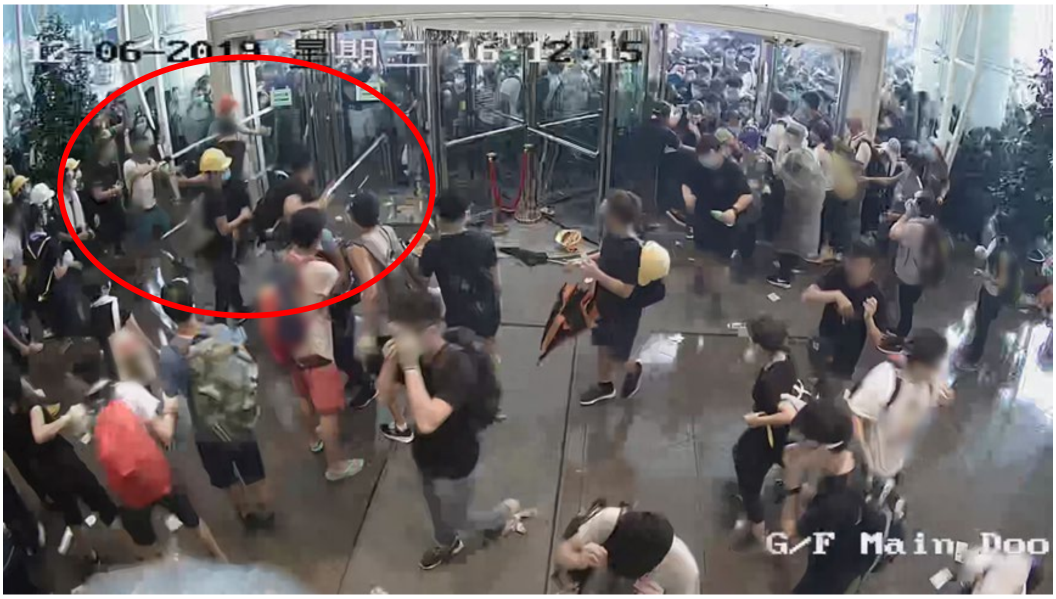


Image 8-27: People used mills barriers to hit the glass door of CITIC Tower main entrance

(Image source: CITIC Tower CCTV)

- At 16:14, the originally locked glass doors at the main entrance of CITIC Tower were opened by a property management staff of CITIC Tower. With more open doors, people then entered CITIC Tower more quickly (see Image 8-28). At the same time, some people continued to leave via Tim Mei Avenue (source: CITIC Tower CCTV).



Image 8-28: CITIC Tower main entrance at 16:14

(Image source: CITIC Tower CCTV)

➢ At 16:17, only about one hundred people remained outside CITIC Tower main entrance. At 16:19, a group of police officers reached the main entrance of CITIC Tower and handled ten-odd persons remaining there. Meanwhile, some people left CITIC Tower via its car park entrance to enter Tim Mei Avenue (see Image 8-29) (source: CITIC Tower CCTV, media reports and live video footage).



Image 8-29: Tim Mei Avenue at 16:19

(Image source: CITIC Tower CCTV)

➢ Police officers approached CHRF's representatives and requested them to stop using the public announcement system or surrender it as it was hindering the police dispersal operation due to its high volume drowning out police announcements. Subsequently, a police officer seized the microphone (source: HKPF).

➢ Between 16:38 and 17:13, about six ambulancemen entered CITIC Tower via its main entrance and conveyed four persons out from the building on stretchers (source: CITIC Tower CCTV).

Complaints against Police

8.22 As at 29 February 2020, there was a total of 27 RCs and 33 NCs stemming from the Police action on 12 June 2019.

Police Use of Force

8.23 24 of the 27 RCs were about the Police use of force. The natures of allegations[6] are as follows:

- 13 concerned the firing of tear gas on complainants;
- Four concerned the use of batons on complainants;
- Two concerned pushing and kicking complainants;
- Five concerned the use of OC Foam / OC Gel and PAVA solution on complainants; and
- Three concerned the firing of less-lethal projectiles on complainants.

8.24 13 of the 33 NCs were about the Police use of force. The natures of allegations[7] are as follows:

- Seven concerned assaulting, pushing, pulling and dragging protesters or other citizens;
- Three concerned the use of OC Foam / OC Gel and PAVA solution on protesters or other citizens;
- Three concerned the firing of tear gas on protesters or other citizens; and
- Two concerned the firing of less-lethal projectiles on protesters or other citizens.

Police Handling of Reporters

8.25 15 of the 27 RCs were lodged by reporters about the handling of reporters.[8] The reporters made 16 allegations against police officers in relation to the use of force, such as spraying OC Foam / OC Gel and firing tear gas and less-lethal projectiles on them unreasonably, two allegations of impoliteness to them, and one allegation concerning failure to display warrant card. The 15 RCs were collectively lodged via the Hong Kong Journalists Association.

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[6] One RC may concern more than one aspect of the use of force.
[7] One NC may concern more than one aspect of the use of force.
[8] As the cut-off date was on 29 February 2020, the 15 RCs made by reporters do not include a complaint which was jointly lodged by a reporter and a cameraman on 21 February 2020 and registered by CAPO as RC on 4 March 2020.

8.26 Two of the 33 NCs were about media handling. One alleged police officers hindering reporting work while the other concerned the use of excessive force on journalists.

Display of Police Identity

8.27 Two of the 27 RCs concerned the failure to display police warrant card by unidentified officers.

8.28 Two of the 33 NCs concerned the display of police identification.

Police Response

8.29 In response to the events of this day, the Police has made various observations to the IPCC, as set out below:

Police Use of Force

8.30 The rationale behind the instructions given by HQCCC before the afternoon clash was to avoid confrontation with the protesters in order not to cause any injuries to the protesters or the police officers. In that morning, the Police initially prepared to conduct a sweeping operation to rescue the vehicles and the persons trapped at the Lung Wo Road underpass. In the public announcement, the Police stressed that it would not be a clearing action to avoid any misunderstanding or deterioration of the situation. Having considered that there was yet any sign of imminent danger and sweeping action might result in escalation of violence by protesters and deterioration of the situation that this would endanger the safety of the Government officials and police officers trapped in the vehicles, the Police changed their plan to deploy Police Negotiation Cadre to the scene, with a view to de-escalating the situation and resolving the confrontation peacefully. The Police negotiation with protesters, however, met with limited success.

8.31 The Police did not take any early action to deter protesters from digging up bricks or collecting construction materials in the vicinity before the afternoon clash because there were many incidents taking place all at once, e.g. some protesters trapped and surrounded police vehicles and the Government vehicle with a Principal Official on board at Lung Wo Road, others charged at the police cordon lines at the LegCo "Drum" area and the junction of Harcourt Road and Tim Wa Avenue.

8.32 The Police also tried to avoid using tear gas as they were aware that the public was highly critical of its use. The Police information revealed that protesters might attack LegCo Complex at around 15:00 if the Government did not accede to the demand of the protesters.

Hence, at 14:00, HQCCC reminded the ground duties of possible alternatives upon confrontation, such as tactical retreat, and instructed that the use of tear gas should be avoided as far as practicable.

8.33 During the afternoon clashes at the CGC area, some protesters fiercely charged on police cordon lines and hurled bricks and mills barriers at the police officers. Based on the police experience in the previous operation, HQCCC instructed at 15:42 to use tear gas to minimise the threats when police officers were retreating into CGC and LegCo Complex.

8.34 In response to the continuing attack from the violent protesters remaining outside CGC and LegCo Complex, HQCCC, at 15:50, instructed that all officers on the ground could escalate the use of force if their lives were threatened, and then at 16:03, gave instructions for the sweeping plan. Police officers had to use force in the sweeping action to prevent the violent protesters from storming LegCo Complex again and to protect those working inside CGC and LegCo Complex.

The CITIC Tower Incident

8.35 The Police plan was that the police officers near the roundabout of Legislative Council Road would stand guard on the north and the west of the roundabout to prevent protesters from charging back to LegCo Complex while the officers at the junction of Lung Hop Street and Performing Arts Avenue would march forward to drive the protesters off Lung Wui Road via Tim Mei Avenue.

8.36 In the Police plan, Tim Mei Avenue was the "escape route" for the protesters to leave Lung Wui Road. Tim Mei Avenue (in particular the western pavement which was not affected by tear gas) was at all times unobstructed and the protesters were seen leaving through Tim Mei Avenue steadily. The officers had repeatedly instructed the protesters with loudhailers and body gestures to leave Lung Wui Road via Tim Mei Avenue instead of going into CITIC Tower. In the course of the sweeping action outside CITIC Tower, the police officers near the roundabout of Legislative Council Road noticed that some protesters wore protective equipment and were potentially armed with offensive weapons including bricks and construction materials. The officers used force including tear gas and pepper balls near the roundabout and on Tim Mei Avenue to defend the cordon line as they were under attack with objects being hurled by protesters or they had identified threats which they had to take action to neutralise.

8.37 As to the police officers at the junction of Lung Hop Street and Performing Arts Avenue, they were not aware that the assembly outside CITIC Tower was still ongoing when they marched forward to Lung Wui Road. They noticed that multiple layers of mills barriers

were erected by the protesters on the eastern end of Lung Wui Road, blocking their way to Lung Wui Road. They also noticed that the protesters used umbrellas and protective equipment to protect themselves and some of them hurled objects at the officers. The officers repeatedly instructed the protesters with loudhailers and body gestures to leave via Tim Mei Avenue. However, the crowd remained on Lung Wui Road. The officers then fired a few shots of tear gas at the eastern end of Lung Wui Road as they considered tear gas as the only minimum and appropriate type of force to be used to disperse the protesters, and the officers needed to maintain a distance with the protesters before the officers bypassed and dismantled the multiple layers of mills barriers placed by the protesters. The officers guarding the junction of Lung Hop Street and Performing Arts Avenue had fired less than 10 rounds of tear gas on Lung Wui Road during the sweeping action on Lung Wui Road.

8.38 On media footage, some tear gas was seen amid the crowd and some people right outside the CITIC Tower main entrance panicking, desperate to get into the building. The police officers either near the roundabout of Legislative Council Road or at the junction of Lung Hop Street and Performing Arts Avenue could not see the situation right outside the CITIC Tower at the beginning of the sweeping action on Lung Wui Road as their view at eye level was blocked by the crowd at the main entrance of the building. HQCCC also did not notice what was happening outside CITIC Tower on Lung Wui Road.

8.39 As to the tear gas amid the crowd, it was possible that when the police officers fired tear gas cartridges at a low angle in front of the crowd, some of the tear gas sub-munitions might have bounced into the crowd after hitting the ground. Later, the officers at the junction of Lung Hop Street and Performing Arts Avenue noticed the chaotic situation at the building entrance and ceased firing tear gas on Lung Wui Road. These officers then made efforts to coordinate the orderly dispersal of the crowd on Lung Wui Road.

8.40 Although the Police plan was to let the crowd leave via Tim Mei Avenue (i.e. the "escape route"), many in the crowd did not do so. Most of the protesters gathered on the pavement outside the main entrance of CITIC Tower and sought to gain entrance into CITIC Tower as per CHRF's instructions through a powerful public announcement system. The CHRF's stage also blocked the view of the protesters gathered there. As a result, some of the protesters were unable to see that Tim Mei Avenue was fully unobstructed and available as an escape route for them. They thus sought to gain entrance into CITIC Tower instead of leaving via Tim Mei Avenue.

8.41 The police officers later noticed that CHRF had been addressing the protesters at the assembly through audio amplifier and telling them to enter CITIC Tower. The protesters could not hear the police officers' instructions to leave via Tim Mei Avenue. The police officers then approached CHRF's representatives and requested them to stop using or surrender the public

announcement system which was hindering the police dispersal operation due to its high volume drowning out the police announcements. As CHRF representatives refused to do so, a police officer seized the microphone in accordance with section 10 of the Police Force Ordinance and sections 17(2) and 6(2) of the Public Order Ordinance (POO). After that, they were able to direct the protesters to leave via Tim Mei Avenue.

8.42 In accordance with the conditions stated on the LoNO, CHRF should ensure good order and public safety throughout the event and maintain communication with the Police and assist the Police to communicate with the participants. CHRF originally anticipated only 500 participants in its application of the assembly at the specified location. The Police considered that before the commencement of the assembly, CHRF had actively incited and encouraged protesters in a press stand-up on 11 June to besiege the LegCo Complex and turn out in a large number to fully occupy the Admiralty area. The Police pointed out that CHRF's Facebook posts on 12 June contained some photos of people occupying Harcourt Road and some maps indicating the locations of first aid and material supply counters. The Police considered that CHRF had breached the condition of the LoNO regarding the location of the assembly as it had spilled onto the vehicular lanes of Lung Wui Road and the number of participants had exceeded the notified number of 500 participants.

8.43 The Police also pointed out that before the commencement of the sweeping action on Lung Wui Road, a police community relations officer had advised a representative of CHRF to leave if there was any danger. CHRF should have been aware of the chaotic situation outside the LegCo Complex and should have concluded or terminated the assembly earlier on their own judgment, instead of providing the protesters with helmets and saline which could encourage them to remain there.

Police Declaration of Riot

8.44 At 15:30, HQCCC declared to all frontline officers the situation as a "riot". Declaring the situation as a riot was to remind frontline officers to understand the situation they were dealing with. The implication was that the related Police use of force guidelines could be applied and appropriate level of force could be used when necessary to achieve the lawful purposes.

Police Handling of Reporters

8.45 On 12 June, the Police deployed 52 Force Media Liaison Cadre officers to provide media liaison support to the reporters at the CGC area. The Police response on their handling of reporters on 12 June was given in the previous Chapter on 9 June Incident.

Police Plan for the Operation on 12 June

8.46 The Police were somewhat caught off guard on the early morning of 12 June by the early and large turnout of protesters. Shift-changing was thus affected in the morning.

IPCC Observations

Police Use of Force

8.47 It is clear from the instructions given in the morning that frontline officers should not take the initiative to take action against the protesters and force should only be used for defending CGC and LegCo Complex and saving lives. If frontline officers could not hold their cordon lines, they should retreat.

8.48 No dispersal action was taken against the protesters when they blocked major roads around CGC and stocked up bricks, iron rods and other hard objects, until some of them launched their violent attacks on the police cordon lines at about 15:00. To rescue the persons and vehicles trapped by protesters at the Lung Wo Road underpass, the Police did not use any force but only sent members of the Police Negotiation Cadre to negotiate with the protesters.

8.49 When the violent protesters wearing facemasks, helmets and other protective gear mounted ferocious attacks on the police cordon lines at Tim Wa Avenue on the west side of CGC at 15:03 and at Legislative Council Road on the east side of CGC at 15:32, hurling bricks, iron bars and other hard objects, the police officers defended with shields, OC Foam / OC Gel, PAVA solution, batons and less-lethal projectiles. Tear gas was not fired at that moment. Police officers started to retreat to the entrance of CGO at 15:37 and to the LegCo Complex "Drum" area at 15:41. The violent protesters continued to hurl various objects at the retreating officers. It was under these circumstances that at 15:42, HQCCC decided that tear gas could be fired for tactical retreat. The police officers who had retreated to the LegCo Complex "Drum" area fired tear gas at 15:46, while the police officers who were retreating to the entrance of CGO fired tear gas at 15:47. It was observed that the Police action up to this point of time was reactive.

8.50 At 15:50, HQCCC instructed frontline officers to escalate their use of force if their lives were threatened. At 16:03, HQCCC instructed to conduct sweeping at the CGC area. From then on, clashes occurred at different spots at the CGC area when police officers dispersed the protesters from the area by using different levels of force, such as tear gas, less-lethal projectiles, PAVA solution, OC Foam / OC Gel and baton. The protesters then dispersed to different locations in Admiralty, Wan Chai and Central and remained there until midnight. It was this latter part of the Police operation that attracted the bulk of criticism.

8.51 As at 29 February 2020, the Police action on 12 June gave rise to 24 RCs concerning the use of force. Some media pointed out that it was an organised riot in which the violent protesters had used various hard and sharp objects to attack police officers at the CGC area.[9] Others raised discussions or questions as to whether the Police had used force excessively or inappropriately, in particular tear gas and other police weapons, in their dispersal action, and had failed to distinguish violent protesters from non-violent protesters, subjecting the latter to unnecessary force.[10] Some news reports, footage and photos on the internet captured images

9 Hong Kong Commercial Daily (2019-06-12). 【多圖】立法會推遲開會 激進示威者包圍立法會. Retrieved from https://www.hkcd.com/content/2019-06/12/content_1142571.html
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10 Apple Daily (2019-06-12). 「克制容忍」. Retrieved from https://www.facebook.com/hk.nextmedia/videos/756665958097446/
Apple Daily (2019-06-13). 警違法用武 多人頭中彈. Retrieved from https://hk.news.appledaily.com/local/daily/article/20190613/20702862
Cable TV (2019-06-15). 新聞刺針【橡膠子彈的安全指引?】. Retrieved from https://www.facebook.com/news.lancet/videos/橡膠子彈的安全指引/420007295254327/
HK01 (2019-06-16). 【逃犯條例‧6.12 清場紀錄】警武力驅散實錄四行為涉違反指引. Retrieved from https://www.hk01.com/突發/340813/逃犯條例-6-12 清場紀錄-警武力驅散實錄-四行為涉違反指引
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Now TV (2019-07-01). 【經緯線】金鐘 612. Retrieved from https://www.youtube.com/watch?v=MHBXgRhxQ8M
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TVB (2019-06-22). 新聞透視 612 之後. Retrieved from http://news.tvb.com/programmes/newsmagazine/5d0e1bf7e60383e206229ae2/612 之後

of some police officers using force, including less-lethal projectiles (i.e. rubber rounds, super sock rounds or react rounds), batons, tear gas, pepper balls, OC Foam / OC Gel / PAVA solution, shields and barehanded force, on those who did not pose obvious threat to the police officers, or on those whom they had seemingly subdued. Some video footage and photos showed that some protesters sustained injuries on head / face or other parts of their bodies, allegedly caused by the Police use of force. The public was concerned whether the use of force by these police officers was justified.

8.52 The IPCC notes that most instances of the use of force by the Police causing public concern took place after 15:50.[11] It was at 15:50 that HQCCC instructed that all officers could escalate the use of force if their lives were threatened and at 16:03, HQCCC instructed to conduct sweeping at the CGC area. Earlier at 15:30, HQCCC had declared to the frontline officers that the situation was a riot.

8.53 As pointed out in Chapter 7, the Police internal guidelines provide the principles governing the use of force. Only the minimum force should be used to achieve a purpose and once that purpose is achieved, the use of such force must stop. The force used should be reasonable in the circumstances. Whether the level of force used is appropriate depends on the level of resistance of the subject, the officer's own ability and perception of the threat. According to the Police guidelines, to exercise control over a subject effectively, it is justified for the officer to use a level of force sufficient to overpower the resistance of the subject; otherwise, the intervention would not succeed. The subject should, however, be given the opportunity to obey police orders before force is used and such force should cease immediately when the objective is achieved. In addition, there are internal guidelines for the use of irritant agent devices and less-lethal weapons based on different levels of resistance encountered by police officers.

8.54 According to the Police latest guidelines on the use of force, irritant agent devices such as OC Foam, OC Gel, PAVA solution, tear gas and pepper ball could be used when confronted with active resistance (i.e. physical action to prevent control which might cause injury to oneself or others). In the face of aggressive assault (i.e. physical assault to cause or likely to cause bodily injury), less-lethal weapons include batons, rubber rounds, react rounds and super sock rounds could be used, in addition to irritant agent devices. It is the officer's own judgement to determine what level of force is justified, and the officer will be held accountable for his own action. The use of force under the current legal regime is, therefore, a matter of personal responsibility of each police officer who is held accountable to uphold the law and comply with the rules of the Police Force.

[11] Based on the CAPO's information thus far, among the 24 RCs concerning the use of force, 21 of them were about the incidents taken place after 15:50 and the remaining three were about the incidents between 15:00 and 15:49.

8.55 Whether the force used was excessive depended on the actual circumstances and their individual merits, in particular the cause of the incidents, the acts of the protesters and the judgement of the police officers. Before a conclusion can be drawn, investigation has to be conducted with the police officers and the protesters involved; the witnesses of the incident have also to be interviewed to ascertain what triggered the use of force.

8.56 It is a practice of the Police to conduct a review after each deployment to ensure that all officers abide by the relevant guidelines and procedures, and to learn from the experience. It is expected that the Police Force will review all incidents and, if justified, to bring to book any officer who did not follow the Police guidelines and the laws in their handling of the protests. If the Police Force finds any officer having exceeded the bounds imposed by the law and the Police regulations, the IPCC, and indeed the community, would expect the Police Force to take necessary action to prosecute or discipline the officer concerned. On 2 and 7 March 2020, the Commissioner disclosed publicly that the Police management had taken immediate action to admonish 21 officers for probable misconduct in the handling of these POEs against the Fugitive Offenders Bill. The Commissioner had further stated that this did not mean that no further investigation would be undertaken. There are a number of RCs in relation to these incidents. IPCC will follow up these complaints in the usual manner.

The CITIC Tower Incident

8.57 The CITIC Tower Incident on 12 June has received substantial public attention. Some media criticised the Police for firing tear gas indiscriminately on innocent people taking part in the assembly outside CITIC Tower covered by LoNO and for almost causing a stampede. [12]

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[12] Apple Daily (2019-06-18). 【引渡惡法】中信圍困真相！警狂轟催淚彈暴力驅散數百人 空拍證險釀人踩人慘劇. Retrieved from https://hk.news.appledaily.com/local/realtime/article/20190618/59730220
Cable TV (2019-06-19). 新聞刺針【中信大廈外的催淚彈】. Retrieved from https://www.facebook.com/news.lancet/posts/1241829905990048?comment_id=1241848259321546&comment_tracking=%7B%22tn%22%3A%22R%22%7D
CitizenNews (2019-06-21). 【612 催淚彈清場】重組圍困中信驚恐 35 分鐘 集會者：險窒息、人踩人形同「集體謀殺」. Retrieved from https://www.hkcnews.com/article/21488/612 金鐘大衝突-中信大廈-逃犯條例-21498/
HK01 (2019-06-14). 【逃犯條例】警簽發民陣和平大台 無衝擊無警告示威者硬食催淚彈. Retrieved from https://www.hk01.com/社區專題/340824/逃犯條例-警簽發民陣和平大台-無衝擊無警告示威者硬食催淚彈
HK01 (2019-06-18). 【逃犯條例】催淚煙困中信大廈 中年男憶千人「生死一刻」. Retrieved from https://www.hk01.com/突發/341093/逃犯條例-催淚煙困中信大廈-中年男憶千人-生死一刻
HK01 (2019-06-21). 為甚麼我們需要獨立委員會徹查 612 清場行動. Retrieved from https://www.hk01.com/01 觀點/342764/為甚麼我們需要獨立委員會徹查 612 清場行動

8.58 After the clash at LegCo Complex, the Police regained control of the LegCo Complex "Drum" area at 15:49. In order to prevent the violent protesters from storming the LegCo Complex again, the Police continued to use tear gas on Legislative Council Road to disperse the protesters remaining there. After the use of tear gas, most of the protesters on Legislative Council Road moved to Lung Wui Road and the rest moved to Tim Mei Avenue. At that time, the CHRF assembly with hundreds of participants was ongoing at the main entrance of CITIC Tower (see Map 8-6 above). At 16:03, the police officers moving from Lung Wo Road reached the roundabout at the junction of Legislative Council Road, Tim Mei Avenue and Lung Wui Road and fired pepper balls and tear gas on/near the western end of Lung Wui Road. At 16:09, the officers guarding the junction of Lung Hop Street and Performing Arts Avenue started to use tear gas to disperse the protesters who gathered outside CITIC Tower on Lung Wui Road. Based on the live footage from the media, tear gas was seen at different spots of Lung Wui Road, the adjacent roundabout and Tim Mei Avenue between 16:09 and 16:14. The issue is whether the firing of tear gas was necessary and proper under the circumstances.

8.59 Police guidelines on the use of tear gas stipulate that police officers must consider a number of factors before using tear gas. Among them are:

(a) Weather conditions, e.g. wind direction will determine how the smoke will disseminate, and wind speed is important in determining how long the smoke will remain in the atmosphere over and around the target;
(b) The risk of exposing innocent persons to heavy concentration of tear gas; and
(c) Presence of an escape route, without which the crowd would panic.

HK01 (2019-06-25). 【逃犯條例】美法防暴專家評 6.12 中信事件 美專家：是策略性失誤. Retrieved from https://www.hk01.com/社會新聞/344307/逃犯條例-美法防暴專家評 6-12 中信事件-美專家-是策略性失誤
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TVB (2019-06-22). 新聞透視 612 之後. Retrieved from http://news.tvb.com/programmes/newsmagazine/5d0e1bf7e60383e206229ae2/612 之後

8.60 According to the "United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement",

> "*Law enforcement officials should respect and protect the right of peaceful assembly, without discrimination and in accordance with international law. The fundamental human rights of the participants shall be respected and protected, even if an assembly is considered unlawful by the authorities. Appropriate de-escalation techniques should be used to minimize the risk of violence. Law enforcement officials should recall that heavy displays of less-lethal equipment may escalate tensions during assemblies. Where force is proportionate and is necessary to achieve a legitimate law enforcement objective, all possible precautionary steps shall be taken to avoid, or at least minimize, the risk of injury or death.*" [13]

> "*In an assembly in which certain individuals are behaving violently, law enforcement officials have a duty to distinguish between those individuals and the rest of the assembly participants, whose individual right to peaceful assembly should be unaffected. If it is decided that less-lethal weapons are an appropriate means of addressing individual acts of violence, due care should be given to the likely proximity of third parties and bystanders.*" [14]

> "*The use of less-lethal weapons to disperse an assembly should be considered a measure of last resort. Before approving dispersal, law enforcement agencies should seek to identify any violent individuals and isolate them from the other participants. This may enable the main assembly to continue. If these targeted interventions are ineffective, law enforcement officials may employ weapons that target groups rather than individuals (such as water cannons or tear gas) after having issued an appropriate warning, unless giving the warning would cause a delay that would either risk causing serious injury or, in the circumstances, be futile. In addition, participants in the assembly should be given time to obey the warning and a safe space or route for them to move to shall be ensured.*" [15]

> *"The use of firearms to disperse an assembly is always unlawful. In situations where some force is necessary, only less-lethal weapons may be used. In such situations, less-lethal weapons that can be individually aimed shall target only*

[13] *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement* (Advance edited version, 2020), paragraph 6.3.1.
[14] *Ibid*, paragraph 6.3.2.
[15] *Ibid*, paragraph 6.3.3.

individuals engaged in acts of violence. Weapons such as chemical irritants dispersed at a distance (tear gas) should be targeted at groups of violent individuals unless it is lawful in the circumstances to disperse the entire assembly. Such use should accord due consideration to the impact on other, non-violent participants or bystanders. In addition, when the use of any less-lethal weapons or related equipment against assembly participants is envisaged, due attention should be paid to the potential for panic in a crowd, including the risk of a stampede ..."[16]

8.61 The IPCC notes the Police response set out in paragraphs 8.35-8.43 in relation to the handling of the dispersal operation near the CITIC Tower. It will be fully taken into account when the IPCC considers the related RCs now under investigation by CAPO.

8.62 Besides, a representative of CHRF and a participant of the assembly have applied for leave for a Judicial Review in relation to the CITIC Tower Incident.[17] As the judicial procedures and the complaint handling procedures are ongoing, the IPCC is not in a position to make any judgement whether the action taken by the Police in the CITIC Tower Incident was proper or not. The IPCC, nonetheless, have examined the episode to identify areas for improvement and make recommendations to the Commissioner of Police under section 8(1)(c) of the IPCC Ordinance (see paragraph 8.77).

Police Declaration of Riot

8.63 HQCCC declared to the frontline officers the situation as a riot at 15:30. According to the Police internal guidelines, live rounds could be used to quell a riot, provided that no lesser degree of force can achieve the purpose. HQCCC, nonetheless, was cautious about using force, in particular tear gas, to deal with the protesters although some of them had used bricks, iron rods and other hard objects for attack at 15:00 when their ultimatum expired. HQCCC, when declaring riot to the frontline officers, did not give instructions to allow the police officers to fire live rounds or tear gas or escalate the use of force . It was for the frontline officers to judge individually, according to the Police internal guidelines, which level of force should be used to counter the violence or resistance.

8.64 When HQCCC eventually allowed the firing of tear gas, it was only for the purpose of tactical retreat. At 15:50 and 16:03, HQCCC instructed to escalate the use of force and to conduct sweeping action. During the sweeping action, less-lethal weapons and tear gas were used to prevent the violent protesters from storming LegCo Complex again and to protect those

[16] Ibid, paragraph 6.3.4.
[17] HCAL 2670 / 2019

working inside CGC and LegCo Complex. Again, the frontline officers had to judge individually which level of force should be used during the sweeping action.

8.65 The Police internal guidelines state that (i) riots spread quickly and any success gained by rioters at the expense of authority or any apparent reluctance to quell riot immediately would embolden the forces of disorder; (ii) it is, therefore, imperative that the start of a disturbance be swiftly curbed, regardless of the merits of civil or political causes and the issue itself; and (iii) it is the field commander's responsibility to judge what action has to be taken to quell the disturbance. However, declaration of "riot" on 12 June 2019 apparently did not make much difference to the action of the frontline officers as they had to judge individually which level of force should be used in response to the violence of some protesters.

8.66 As to the declaration of riot to the public, it is noted that at 16:25 that day, the Commissioner of Police spoke to the press in Chinese, "…目前已是騷亂的情況…"(IPCC translation: "…the situation is a civil disturbance…"). At 17:42, the Police issued a press release entitled "Police take action to stop riot (警方採取行動制止暴動)", explaining the situation and the Police action in Admiralty since that morning. At 20:50, the Chief Executive condemned the protest, speaking in Chinese "…這已經不是和平集會，而是公然、有組織地發動暴動…" (official translation: "…this is no longer a peaceful assembly but a blatant, organised riot…").

8.67 Regarding the declaration of riot, the IPCC notes that the Police internal guidelines do not make any reference to sections 18 and 19 of the POO, nor do they define what circumstances would be declared a riot, what considerations are to be taken into account, what purpose such a declaration serves, who has the authority to declare and whether the declaration should be made public, when and how. This will be addressed in the Recommendations (see paragraph 8.77).

8.68 Declaring the situation on 12 June as a "riot" without specifying which part was a riot and on what grounds it was a riot aroused public concern, particularly whether those who had participated only in the peaceful protest that day without being involved in the violent acts would also be viewed as rioters. On 16 June, CHRF launched another public procession and estimated participants to be around two million. The Police estimated that 338 000 participated in the procession on its designated route at the peak period of the procession. The first version of the "Five Demands" was chanted by some protesters in that procession. One of the demands was to remove the characterisation of "riot" for the events on 12 June.

8.69 On 17 June, the Commissioner clarified that his comments on 12 June referred only to those whose behaviour amounted to riotous acts. He assured the public that those who took part only in the POEs that day but not in the violent acts need not worry that they had committed

riot offences (“我當日所說，其實是指某些人的行為已經涉嫌干犯暴動罪，所以當日參與公眾活動的其他示威人士，如沒參加過任何暴力行為，他們不用擔心會觸犯暴動罪。”).[18]

8.70 The offence of “riot” is defined under sections 18 and 19 of the POO. According to section 19, “*When any person taking part in an assembly which is an unlawful assembly by virtue of section 18(1) commits a breach of the peace, the assembly is a riot and the persons assembled are riotously assembled.*” Section 18(1) states that “*When 3 or more persons, assembled together, conduct themselves in a disorderly, intimidating, insulting or provocative manner intended or likely to cause any person reasonably to fear that the persons so assembled will commit a breach of the peace, or will by such conduct provoke other persons to commit a breach of the peace, they are an unlawful assembly.*” A “riot” exists when someone commits a “breach of the peace” during an “unlawful assembly”. Which part of an unlawful assembly is a riot, however, is not a simple question of geography and must be determined by evidence in accordance with the law. The same applies in determining who is a rioter. In November 2018, the Court of First Instance had clarified the elements of the offences of “unlawful assembly” and “riot” (*HKSAR v Leung Tin Kei and Others* [2018] HKCFI 2715). In particular, the Court took the view that in proving the offences of unlawful assembly and riot, the prosecution needs to prove that the participants shared a “common purpose”.[19] A person’s mere presence in the vicinity of a riot scene does not make that person a rioter. Only those who had committed a breach of the peace that day and those who had assembled in the riot would be rioters.

8.71 Handing down judgment on 29 April 2020, the Court of Appeal having heard the appeal of *Leung Tin Kei and others*, further explained what “common purpose” meant.[20] The Court of Appeal held that “common purpose” meant no more than the getting together of the accused persons to commit the acts prescribed in section 18(1) of the POO. This explanation of “common purpose”, the Court of Appeal explained, is derived from the Common Law, the principles of which were incorporated into section 18(1) of the POO.[21] In dealing with the appeal against sentence in the same judgment, the Court of Appeal reiterated the following dictum of Macrae VP in *HKSAR v. Tang Ho-yin* [2019] 3 HKLRD 502[22]:

[18] Information Services Department (2019-06-17). Police chief clarifies “riot” term. Retrieved from https://www.news.gov.hk/chi/2019/06/20190617/20190617_224726_031.html
[19] HKSAR v. Leung Tin Kei and Others (21/12/2018, HCCC408/2016) [2018] HKCFI 2715, paragraphs 44-45 (https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=125716)
[20] CACC 164/2018
[21] Ibid, Para. 61
[22] Ibid, Para. 68

"*22. For any society that has as its cornerstone the rule of law, public order is an essential constituent element which serves to promote the safe, equitable and lawful functioning of that society. That is not to say that its citizens cannot articulate their views, ventilate their grievances and demonstrate their objections emphatically and openly within the law. However, if they transgress the law in so doing and imperil that essential constituent element, then the rule of law will inevitably suffer. As the English Court of Appeal in Caird declared, in the context of a case of a riot in Cambridge in 1970:*

> *'... this Court feels it necessary to advert to the clear line that exists between the freedom of citizens to assemble peaceably in a permissible place to express their views in a lawful manner, a right which the courts always safeguard, and the unlawful act of doing something which threatens a breach of the peace.'*

The Court continued:

> *'... it cannot be too plainly stated or too widely known that the moment when men join in an attempt to overpower the police who are performing their protective duties, that line has been considerably overstepped, and every person joining in the mob effort for that purpose is committing a grave crime even if he is not identified as having committed some specific assault or some specific piece of malicious damage.*"

<u>Police Handling of Reporters</u>

8.72 After the operation on 12 June, 15 RCs were lodged by reporters. These RCs were mainly about police officers assaulting reporters with batons, using weapons (e.g. tear gas, OC Foam / OC Gel / PAVA solution and less-lethal projectiles) on reporters unnecessarily, and being impolite to or using offensive language at reporters. The IPCC will follow up these complaints in the usual manner. The IPCC's observations on the Police handling of reporters on 12 June are given in Chapter 7 on 9 June Incident.

<u>Police Plan for the Operation on 12 June</u>

8.73 The Police management has stated that they were somewhat caught off-guard by the early and large turnout of protesters and the shift-changing in the morning was thus affected. Apparently, they did not fully anticipate the scale of the mass mobilisation and the timing of the protesters' acts that morning.

8.74 In addition, the physical environment of the CGC area and the presence of construction sites at the area made the Police operational plan that day even more challenging.

To protect the integrity of CGC and LegCo Complex, the Police erected many mills barriers (about 1 meter high) to strengthen the cordon lines. Notwithstanding, there were clashes when the violent protesters hurled numerous objects and pushed mills barriers towards the frontline officers at the cordon lines. In the end, the frontline officers had to use higher level of force including tear gas and less-lethal projectiles for dispersal.

8.75 In some previous operations, such as those in 2011 to protect the then Vice-Premier Mr LI Keqiang during his visit to Hong Kong, the Police had set up water-filled barriers (about 2 meters high) which effectively separated protesters from the venue to be protected. The IPCC notes that the Police adjusted strategies and tactics as the protests against the Fugitive Offenders Bill continued and later erected water-filled barriers to protect CGC, LegCo Complex, PHQ and various police stations (see Images 8-30 and 8-31).



Image 8-30: Water-filled barriers erected outside CGC since late July 2019
(Image source: RTHK)



Image 8-31: Water-filled barriers erected outside PHQ since late July 2019
(Image source: RTHK)

Recommendations by the IPCC under Section 8(1)(c) of IPCC Ordinance

8.76 Based on the facts so far collected, the IPCC considers the Police action on and before the afternoon clashes was reactive to the attacks from violent protesters. In the clashes at the CGC area, the Police escalated their use of force in response to the violence of some protesters and the need to protect CGC and LegCo Complex and the people working inside. The escalation of use of force has, however, given rise to allegations of excessive use of force by individual officers on non-violent protesters and reporters. It has also raised questions about the justification for use of police weapons in the operation, especially in the CITIC Tower Incident.

8.77 The IPCC is of the view that lessons should be learnt from the events on 12 June and recommends that the Police management review those events to develop less confrontational strategy and tactics, taking reference from applicable international practices, so that future operations of similar magnitude would be better conducted and managed. IPCC recommends that:

The CITIC Tower Incident

(a) The Police should review their use of tear gas during the CITIC Tower Incident, including assessment before and during its continuing use, the coordination among HQCCC and with frontline officers, the communication between the Police and the assembly organiser and participants, the accessibility of an escape route and the possibility of alternative tactics for future deployment.

(b) When there is an ongoing assembly with LoNO, the Police should liaise with the assembly organiser to curtail the assembly when necessary. The Police should give sufficient time and instructions to the assembly organiser and participants to curtail the assembly and leave the assembly location via a viable escape route.

(c) Communication with the assembly organiser is particularly important so that messages from the Police could be effectively relayed to assembly participants when necessary. The Police should deploy liaison officer(s) close to the assembly site to facilitate instant communication with the assembly organiser.

(d) Effective coordination among different teams of frontline officers and between frontline officers and HQCCC is crucial. To minimise the possible risk during dispersal action, the Police should review how to enhance coordination among different teams if they consider it necessary to use irritant agent devices and less-lethal weapons when and where an assembly is ongoing with a large number of participants.

Police Declaration of Riot

(e) The Police should include in the internal guidelines what action frontline officers can take when a situation is declared as a "riot", how to differentiate rioters from non-rioters and what level of force and weapons to be used in a riot situation.

(f) The Police should devise clear guidelines on riots and consider informing the public of the purpose, criteria and procedure of declaring a situation as a riot. When making a public announcement about a situation being a riot, the Police should clearly explain the purpose and reason for the declaration to minimise misunderstanding or speculation. This enhances transparency and prevents members of the public from participating in a riot unknowingly.

Police Plan for the Operation on 12 June

(g) The Police should review their ability to collect, assess and apply the intelligence received since 9 June on the early and large turnout of protesters as well as their violent approach, and draw reference to enhance their ability to collect, assess and apply intelligence in the future.

(h) The Police should review the events of 12 June and consider whether the preparation and subsequent action for defending CGC and LegCo Complex could have been adjusted to minimise confrontation with protesters and should review whether less confrontational strategies such as prior containment could be adopted in future operations for protecting public property such as LegCo Complex.

(i) The Police should review their ability to mobilise and allocate manpower to deal with multiple clashes at different spots in a large-scale POE.

(j) The Police should better utilise water-filled barriers (about 2 meters high) which are higher and stronger than mills barriers to reinforce police cordon lines and minimise clashes between frontline officers and violent protesters.

8.78 The above recommendations should be read in conjunction with the IPCC's recommendations in Chapter 6: Police Use of Force in Public Order Policing and in Chapter 7 concerning Police handling of reporters.

ANNEX

CHRONOLOGY – WEDNESDAY 12 JUNE 2019

Key Incidents

A.	11 June	15:00 – 23:59	Events before 12 June
B.	12 June	00:00 – 14:59	Events before the clashes at the CGC area
C.	12 June	15:00 – 15:49	Clashes at the CGC area
D.	12 June	15:50 – 23:59	Events after the clashes at the CGC area
E.	13 June	00:00 – 02:00	Events after 12 June

Detailed Chronology of Events

A. 11 June: 15:00 – 23:59 – Events before 12 June

Time (Approx.)	Incident
15:00	LegCo Complex "Drum" area was temporarily closed from 15:00 on 11 Jun until further notice. LegCo requested the Police to stand by and patrol in the LegCo Complex "Drum" area to deal with unexpected incidents (source: LegCo website[1]).
18:00	The East Wing Forecourt of the CGO was temporarily closed from 18:00 on 11 Jun until further notice (source: Government website[2]).
20:00	Police officers started to conduct stop-and-search at Admiralty area (source: media reports[3]).  *(Image source: HK01)*

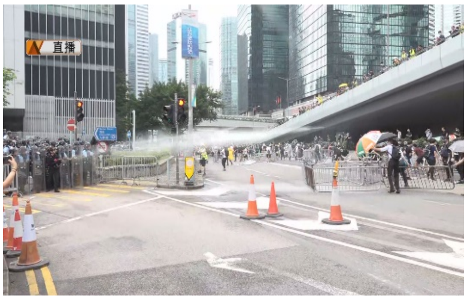
Time (Approx.)	Incident
22:00	Upon the call online, thousands of protesters gathered in the vicinity of the LegCo Complex. Police officers erected mills barriers and patrolled at the perimeter of the LegCo Complex (source: media reports and LIHKG[4]).   *(Image source: HK01)*

B. 12 June: 00:00 – 14:59 – Events before the clashes at the CGC area

Time (Approx.)	Incident
00:00	LegCo issued an amber alert under which all persons entering the LegCo Complex were required to go through the security screening procedures (source: LegCo website[5]). Police officers carrying weapons and equipment entered the LegCo Complex to strengthen its security (source: media reports[6]).
00:00-07:00	More protesters streamed into and gathered at the CGC area including Tim Mei Avenue, Legislative Council Road and Tamar Park (source: media reports[7]).
06:10	Vehicle Snap Check was conducted at Lung Wo Road (source: HKPF).
07:10	Police officers set up two cordon lines at Tim Wa Avenue, one at the junction with Harcourt Road and another one at the junction with Lung Wo Road (source: HKPF).
07:15	Around 1 600 and 900 persons gathered outside CGC and at Tamar Park respectively (source: HKPF).
07:25	The vehicular access to Tim Wa Avenue was blocked by some protesters (source: HKPF).
07:40	HQCCC requested field commanders to instruct police drivers who parked their police vehicles at Tim Wa Avenue to be ready for departure (source: HKPF).

Time (Approx.)	Incident
07:45	Hundreds of protesters dashed to Lung Wo Road and trapped a number of vehicles, including three police vehicles with only drivers on board, and a Government car with a Principal Official on board, at Lung Wo Road underpass with mills barriers (source: HKPF, media reports and live video footage[8]).   *[Image source: TVB (left), Cable TV (right)]*
07:46	HQCCC instructed the field commanders to maintain contact with the two organisers who were going to hold a public meeting at the CGC area (source: HKPF).
08:10	One person was arrested at the junction between Tim Wa Avenue and Harcourt Road (source: HKPF).
08:10	HQCCC informed all duties on the ground to put shift-change on hold (source: HKPF).
08:25	Hundreds of protesters originally gathered on Tim Mei Avenue and Rodney Street dashed to Harcourt Road and blocked the road with mills barriers, traffic cones and other objects. At Harcourt Road, some police officers attempted to stop the protesters by using PAVA solution but were unsuccessful. Harcourt Road was eventually occupied by thousands of protesters (source: live video footage and media reports[9]).   *(Image source: Now TV)*

Time (Approx.)	Incident
08:30-15:00	Some protesters collected and prepared various materials at the CGC area, such as prying up bricks from pavements, taking away iron bars from construction sites, dismantling iron railings and using plastic strings to tie mills barriers together. They also distributed these materials at the area (source: live video footage and media reports[10]).   *[Image source: HK01 (left), Cable TV (right)]*
08:30	LegCo Public Works Subcommittee meeting scheduled for 08:30 was cancelled (source: LegCo website[11]).
08:45	HQCCC instructed that police officers could maintain a safe distance from protesters at Harcourt Road as the crowd size was expanding rapidly and some protesters were becoming increasingly emotional and violent (source: HKPF).
08:46	The Police urged the protesters via social media to leave Lung Wo Road; otherwise, the Police would have to use force to save the vehicles and the people trapped there. The Police stressed that it would not be a clearing action. The Police eventually did not conduct sweeping on Lung Wo Road (source: HKPF[12]).
09:00	The roads at the CGC area, namely Legislative Council Road, Tim Mei Avenue, Lung Wui Road, Lung Wo Road and Harcourt Road were flooded with protesters. Access to the LegCo Complex was obstructed (source: live video footage and media reports[13]).
09:00	One person was arrested at the footbridge at Tim Mei Avenue (source: HKPF).
09:15	The Police deployed members of the Police Negotiation Cadre to negotiate with the protesters at Lung Wo Road for the release of the people and vehicles trapped there. The negotiation was unsuccessful. The vehicles and the people on board remained there until the Police conducted rescue operation at 15:50 (source: HKPF).
09:18	HQCCC gave instruction that officers should take their personal safety as the top priority and avoid triggering off confrontation on any action by the Police (source: HKPF).

Time (Approx.)	Incident
09:30	At the junction of Tim Wa Avenue and Harcourt Road, police officers used PAVA solution to disperse protesters who attempted to sit on the ground near the cordon line or push mills barriers towards the cordon line (source: live video footage and media reports[14]).   *[Image source: HK01 (left), Now TV (right)]*
09:35-12:30	Some vehicles moved slowly or stopped on the roads of Admiralty, Wan Chai and Central, causing traffic obstruction (source: HKPF and media reports[15]).
10:00	There were around 46 000 protesters in the CGC area: - Harcourt Road 22 000 - Tim Mei Avenue 11 000 - Lung Wo Road 10 000 - Tamar Park 2 000 - Lung Wui Road 1 000 (source: HKPF).  *(Image source: HK01[16])*

Time (Approx.)	Incident
10:00	CHRF was allowed to hold an assembly with a LoNO issued by the Police at the southern pavement of Lung Wui Road to protest against the Fugitive Offenders Bill between 10:00 and 23:59 for three consecutive days until 14 Jun.[17] As stated in the LoNO, CHRF estimated that the attendance would be around 500 (source: HKPF). A stage for the assembly was set up outside the main entrance of CITIC Tower at the southern pavement of Lung Wui Road. The width of the stage was about half of the width of the southern pavement of Lung Wui Road. Hundreds of protesters were seen on Lung Wui Road (source: CITIC Tower CCTV, live video footage and media reports[18]).
10:05	HQCCC instructed traffic officers to handle the vehicle obstruction at Harcourt Road and Cotton Tree Drive (source: HKPF).
10:10	As the access roads leading to CGO had been blocked and the Police had implemented traffic arrangements, all entrances of CGO were closed. Civil servants were advised to stay at their workplace or not to go to CGO until further notice (source: Government website[19]).
10:15	HQCCC instructed frontline officers to prepare for possible attack from protesters and to equip themselves with full gear (source: HKPF).
10:40	The Police, through social media, stated that there were vehicles deliberately blocking Queensway and Cotton Tree Drive and requested other drivers to avoid driving to the affected areas (source: HKPF and media reports[20]).
10:50	LegCo President announced that the LegCo meeting for the Second Reading of the Fugitive Offenders Bill, originally scheduled for 11:00, would be postponed to a time to be decided by him (source: LegCo website[21]). The protesters did not leave the Admiralty area and maintained their demand that the Government withdraw the Fugitive Offenders Bill (source: live video footage and media reports[22]).

Time (Approx.)	Incident
10:56-11:06	Hundreds of protesters gathered at the junction of Tim Wa Avenue and Harcourt Road. Some of them charged on the police cordon line, pushed barricades against the police cordon line and hurled objects at police officers. Police officers used PAVA solution, OC Foam / OC Gel, batons and shields to defend the cordon line (source: live video footage and media reports[23]).  *(Image source: HK01)*
10:57	HQCCC gave instructions that the officers at Tim Wa Avenue should defend CGC as far as possible; if the situation deteriorated and became out of control, officers should retreat to indoor areas to ensure their personal safety (source: HKPF).
11:17	In view that some protesters had charged on police cordon lines and collected construction materials at the CGC area and the situation was deteriorating, HQCCC instructed the field commanders that they should consider the use of force level in life-saving situations if sweeping had to be conducted (source: HKPF).
11:28	Some traffic officers requested reinforcement at Queensway and Cotton Tree Drive as some protesters were throwing objects onto the roads, but no spare manpower could be deployed (source: HKPF).
12:00	Some protesters blocked Queensway with mills barriers and other barricades. Traffic in the Admiralty area came to a standstill (source: live video footage and media reports[24]).  *(Image Source: HK01)*
12:00	Hundreds of protesters were seen on Lung Wui Road and multiple layers of mills barriers were placed by protesters at the eastern end of Lung Wui Road, near the junction of Lung Hop Street and Performing Arts Avenue (source: live video footage and media report[25]).

Time (Approx.)	Incident
12:30	The Police warned protesters via social media not to hurl bricks which could cause serious injury to others (source: HKPF[26]).
12:34	Some protesters burnt objects emitting smoke at the junction of Harcourt Road and Tim Wa Avenue (source: HKPF).
12:40	The Chief Secretary for Administration asked protesters who occupied the roads to leave and stay calm. He reiterated that the Fugitive Offenders Bill was meant to target only offenders of serious crimes (source: Government website[27] and media reports[28]).
14:00	Some political figures spoke on the stage of the assembly and hundreds of protesters gathered outside the main entrance of CITIC Tower on Lung Wui Road (source: CITIC Tower CCTV, live video footage and media reports[29]).  *(Image source: CITIC Tower CCTV)*
14:00	HQCCC instructed that frontline officers should retreat if they could not hold their cordon lines at the CGC area. Tear gas should not be used (source: HKPF).
14:49	Tens of thousands of people gathered on Harcourt Road, Lung Wo Road, Legislative Council Road, Tim Mei Road and Lung Wui Road (source: live video footage[30]).

C. 12 June: 15:00 – 15:49 – Clashes at the CGC area

Time (Approx.).	Incident
15:00	This was the deadline of the ultimatum set by protesters to the Government to withdraw the Fugitive Offenders Bill (source: media reports and LIHKG[31]).
15:00	HQCCC instructed all frontline officers to prepare for possible attack from protesters and to equip themselves with full gear (source: HKPF).

Time (Approx.).	Incident
15:03-15:36	At the junction of Tim Wa Avenue and Harcourt Road (the western side of CGC), hundreds of violent protesters wearing facemasks, helmets and other protective gear started to push mills barriers towards the police cordon line and hurl umbrellas, traffic cones and other objects at police officers (source: live video footage and media reports[32]). At the beginning, police officers defended with PAVA solution, OC Foam / OC Gel, batons and shields behind the mills barriers.
	A group of police officers later moved past the mills barriers and used batons to disperse the protesters in the front. After the protesters had retreated, the police officers returned to the police cordon line behind the mills barriers (source: live video footage and media reports[33]).   *[Image source: Cable TV (left), TVB (right)]*
15:16	HQCCC informed field commanders that some protesters charged on the police cordon lines at CGC with open umbrellas (source: HKPF).
15:25	While the clash at Tim Wa Avenue (the western side of CGC) was ongoing, many protesters wearing facemasks, helmets and other protective gear also prepared to charge on the police cordon line at the vehicular entrance of the LegCo Complex on Legislative Council Road (the eastern side of CGC). They used plastic strings to tie mills barriers together and pushed them towards the cordon line (source: live video footage and media reports[34]).   *[Image source: HK01 (left), Now TV (right)]*
15:30	HQCCC declared to all frontline officers the situation as a "riot" (source: HKPF).

Time (Approx.).	Incident
15:32	Violent protesters charged on the cordon line at the vehicular entrance of the LegCo Complex. They protected themselves with umbrellas and other protective gear and hurled various hard objects at the police officers. Those in the front used iron bars and umbrellas to attack the police officers. The police officers defended with PAVA solution, OC Foam / OC Gel, batons and shields. About a minute later, the protesters briefly moved back but kept hurling objects at the police officers (source: live video footage and media reports[35]).   *(Image source: Now TV)*
15:34 & 15:37	HQCCC instructed that officers at Tim Wa Avenue and Tim Mei Avenue could retreat if they could not resist the protesters' attack (source: HKPF).
15:37	Police officers at Tim Wa Avenue started to retreat from the cordon lines to the entrance of CGO (source: live video footage and media reports[36]).   *(Image source: Now TV)*
15:39	The violent protesters at the vehicular entrance of the LegCo Complex charged on the cordon line again, hurled bricks and other objects at the police officers and pushed away the mills barriers (source: live video footage and media reports[37]).   *(Image source: Now TV)*

Time (Approx.).	Incident
15:41	The police officers at the vehicular entrance of the LegCo Complex, after firing less-lethal projectiles, started to retreat into the LegCo Complex "Drum" area. Meanwhile, the police officers guarding the cordon lines at Tim Wa Avenue were also retreating to CGO. The violent protesters at both Tim Wa Avenue and Legislative Council Road continued to hurl various objects including bricks at the retreating officers and pushed away the mills barriers erected on the police cordon lines. The protesters then entered Tim Wa Avenue and the LegCo Complex "Drum" area respectively (source: live video footage and media reports[38]).   *(Image source: Now TV)*
15:42	HQCCC instructed that tear gas could be used for tactical retreat (source: HKPF).
15:42-15:45	The violent protesters, after entering the LegCo Complex "Drum" area, kept moving forward, hurling various objects and pushing mills barriers towards the retreating officers. The officers then fired less-lethal projectiles and used PAVA solution in response (source: live video footage and media reports[39]).   *(Image source: Now TV)*

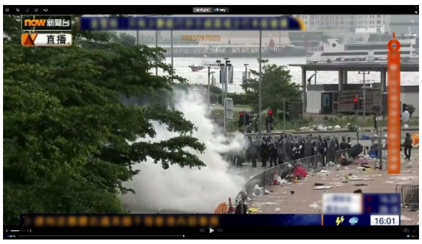
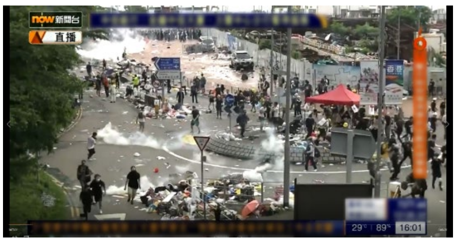
Time (Approx.).	Incident
15:45	Protesters on Lung Wo Road pushed away the mills barriers, passed the police cordon line and entered Tim Wa Avenue (source: live video footage and media reports[40]).   *[Image source: HK01 (left), Now TV (right)]*
15:46-15:48	Police officers who had retreated to the Public Entrance 1 of LegCo Complex (at the “Drum” area) fired tear gas at the “Drum” area (source: live video footage and media reports[41]).   *[Image source: Now TV (left), Cable TV (right)]*
15:47-15:49	Tear gas was fired on Tim Wa Avenue near the junction with Harcourt Road while police officers on Tim Wa Avenue were retreating to CGO entrance (source: live video footage and media reports[42]).   *[Image source: Cable TV (left), TVB (right)]*
15:49	Having fired tear gas and less-lethal projectiles at LegCo Complex “Drum” area, police officers successfully dispersed the protesters from the LegCo Complex “Drum” area and re-established a cordon line at the vehicular entrance of the LegCo Complex (source: live video footage and media reports[43]).

Time (Approx.).	Incident
	 *(Image source: Now TV)*

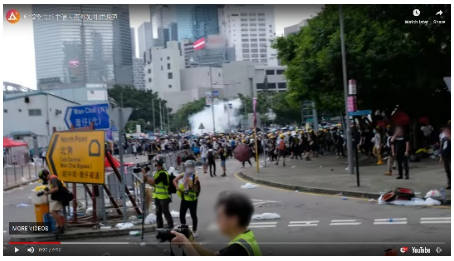
D. 12 June: 15:50 – 23:59 – Events after the clashes at the CGC area

Time (Approx.).	Incident
15:50	HQCCC instructed that all police officers on the ground could escalate the use of force if their lives were threatened (source: HKPF).
15:50	On Tim Wa Avenue, police officers retreated into CGO and closed the gates at CGO (source: HKPF).
15:50	A group of police officers at the junction of Lung Wo Road and Lung Hop Street was instructed to conduct an operation to rescue the vehicles and persons trapped at Lung Wo Road underpass (source: HKPF). These officers moved westward along Lung Wo Road and fired tear gas at Lung Wo Road to disperse the protesters westwards (source: live video footage and media reports[44]).
15:51	Hundreds of protesters remained on Legislative Council Road and some of them hurled objects at the cordon line (source: live video footage[45]).  *(Image source: Now TV)*

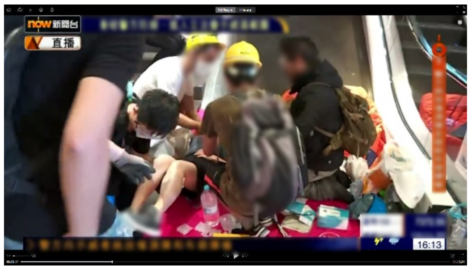
Time (Approx.).	Incident
15:53-15:55	Police officers guarding LegCo Complex fired tear gas on Legislative Council Road. The protesters were dispersed to the adjacent Lung Wo Road, Lung Wui Road and Tim Mei Avenue (source: live video footage and media reports[46]). Those on Tim Mei Avenue either moved to the direction of Harcourt Road or entered CITIC Tower via its car park entrance (source: CITIC Tower CCTV). At the same time, CHRF was holding an assembly covered by LoNO outside CITIC Tower main entrance on Lung Wui Road (source: live video footage[47]).   *(Image source: Now TV (left), CITIC Tower CCTV (right))*
15:56	Tear gas was seen at Tamar Park and Lung Wo Road (near Lung Hop Street) (source: live video footage and media report[48]).
15:57-15:58	Police officers, who were conducting sweeping action westward along Lung Wo Road, fired tear gas at the junction of Lung Wo Road and Legislative Council Road. Most of the protesters there moved to Lung Wui Road while the rest left to Tim Mei Avenue (source: live video footage[49]).   *(Image source: Now TV)*
16:00	Hundreds of protesters moved to Tim Wa Avenue from Harcourt Road and Lung Wo Road and occupied Tim Wa Avenue completely (source: live video footage and media reports[50]).

Time (Approx.).	Incident
16:00-16:20	Police officers used tear gas on Tim Wa Avenue. Some police officers came to reinforce from Lung Wo Road and used force to disperse the crowd. After tear gas had gradually dissipated, some protesters attempted to enter Tim Wa Avenue again. Tear gas was fired again. All protesters on Tim Wa Avenue were eventually dispersed to Harcourt Road and the cordon lines at Tim Wa Avenue were re-established around 16:20 (source: live video footage and media reports[51]).     *[Image source: Now TV (top left and right), Cable TV (bottom left and right)]*
16:01	Some police officers marching from Lung Wo Road reached Legislative Council Road and fired tear gas on Legislative Council Road and at the adjacent roundabout. The protesters dispersed to either Lung Wui Road or Tim Mei Avenue (source: live video footage[52]).   *(Image Source: Now TV)*

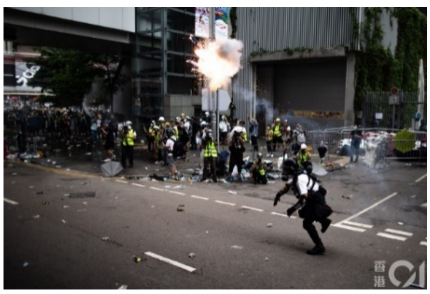
Time (Approx.).	Incident
16:03	HQCCC gave strategic direction to all field commanders to disperse the protesters the crowd from east to west and then from north to south, to sweep them out to Harcourt Road via Tim Mei Avenue as an escape route (source: HKPF). At that time, police officers formed two cordon lines in the vicinity of Lung Wui Road, one with about 90 officers near the roundabout of Legislative Council Road and the other with about 170 officers at the junction of Lung Hop Street and Performing Arts Avenue which was behind the multiple layers of mills barriers placed by protesters (source: live video footage[53]).
16:03-16:04	Police officers near the roundabout shot pepper balls and threw tear gas grenades on/near the western end of Lung Wui Road. Tear gas was seen on the pavement at the corner of Tim Mei Avenue and Lung Wui Road near the pavement. At that time, there were hundreds of people outside CITIC Tower main entrance. People right outside the main entrance of CITIC Tower moved into the building through an open glass door entrance, the only one open at that time (source: CITIC Tower CCTV). At 16:04, a female voice could be clearly heard on video footage from a loud amplified source, "慢慢嚟，上返行人路…請大家向演藝方向" (IPCC translation: "slow down, return to pavement, everyone to move to the direction of (the Academy for) Performing Arts") (source: live video footage and media reports[54]). (Remarks: the Hong Kong Academy for Performing Arts is situated on the east of Lung Wui Road. There was no tear gas fired from the police officers guarding the east of Lung Wui Road at that moment.)    *[Image source: CITIC Tower CCTV (top left), Now TV (top right and bottom)]*

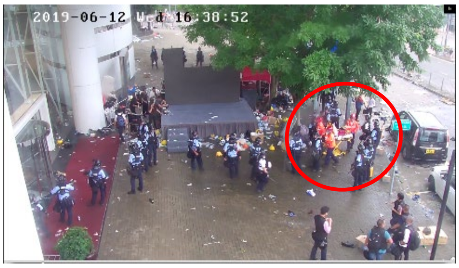
Time (Approx.).	Incident
16:05	A female voice and a male voice could be heard on video footage from a loud amplified source, "大家向添美道方向", "大家 hold 住，hold 住" (IPCC translation: "everyone to move to the direction of Tim Mei Avenue", "everyone holds on, holds on") (source: live video footage and media report[55]).
16:06-16:07	A female voice and a male voice spoke from a loud amplified source, "頭盔傳去後面", "反惡法 反送中", "需要生理鹽水可以嚟到台邊，台前亦都有口罩" and "大家過嚟呢度攞水" (IPCC translation: "pass helmets to the back", "no draconian law, no Fugitive Offenders Bill", "come to the stage if (you) need masks and saline" and "come here to get water"). At that time, the main entrance of CITIC Tower was congested with hundreds of people (source: CITIC Tower CCTV and live video footage[56]).
16:09	While people at Lung Wui Road were moving into CITIC Tower and tear gas was being fired at the eastern end of Lung Wui Road, a male voice and a female voice heard on video footage said from a loud amplified source, "香港人不打香港人 … 警察克制", "各位市民慢慢入中信 … 淋熄催淚彈 … 大家入中信" (IPCC translation: "Hong Kong people don't hit Hong Kong people … Police be restrained", "everyone to enter CITIC (Tower) slowly … put out tear gas with water … everyone to enter CITIC (Tower)") (source: live video footage and media report[57]).  *(Image source: CitizenNews)*
16:09	Some people on Tim Mei Avenue were moving to the direction of the roundabout at the junction with Legislative Council Road (source: CITIC Tower CCTV).  *(Image source: CITIC Tower CCTV)*

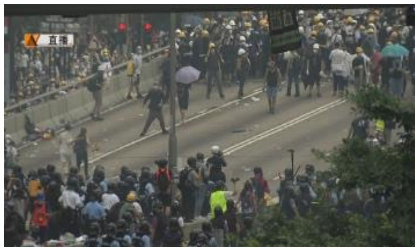
Time (Approx.).	Incident
16:09-16:14	Tear gas was seen at different spots on Lung Wui Road, the adjacent roundabout and Tim Mei Avenue. A large crowd was seen in the middle of Lung Wui Road, attempting to enter CITIC Tower via its main entrance (source: CITIC Tower CCTV, live video footage and media reports[58]).  *[Image source: Now TV (top left and 2nd row right), TMHK (top right, 2nd row left, 3rd row left and right, and bottom)]*

Time (Approx.).	Incident
16:10-16:13	Tear gas was seen amid the crowd outside the main entrance of CITIC Tower on Lung Wui Road for the periods between 16:10:33 and 16:11:14 and between 16:12:55 and 16:13:25. Some people could move to Tim Mei Avenue but most of the people attempted to enter CITIC Tower via the open glass door. Those on Tim Mei Avenue either moved to the direction of Harcourt Road or entered CITIC Tower via its car park entrance on Tim Mei Avenue (source: CITIC Tower CCTV and media reports[59]).   *(Image source: CITIC Tower CCTV)*
16:10-16:13	Several people inside the CITIC Tower attempted to use mills barriers and other hard objects to break the glass doors of the main entrance that were locked but did not succeed. Some tear gas got inside the CITIC Tower and some people appeared to be unwell (source: CITIC Tower CCTV, live video footage and media reports[60]).   *[Image source: CITIC Tower CCTV (left), Now TV (right)]*

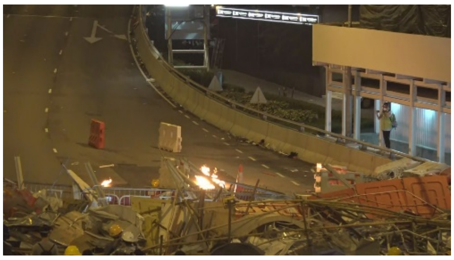
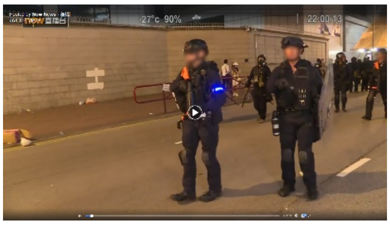
Time (Approx.).	Incident
16:14	Some originally locked glass doors at the main entrance of CITIC Tower were opened by a property management staff of CITIC Tower. With more open doors, people entered CITIC Tower more quickly. At the same time, some people continued to leave via Tim Mei Avenue (source: CITIC Tower CCTV).  *(Image source: CITIC Tower CCTV)*
16:17	Only about one hundred people remained outside CITIC Tower main entrance (source: CITIC Tower CCTV).  *(Image source: CITIC Tower CCTV)*

Time (Approx.).	Incident
16:19-16:22	A group of police officers reached the main entrance of CITIC Tower at Lung Wui Road and handled ten-odd persons remaining there. Meanwhile, some people left CITIC Tower via its car park entrance to enter Tim Mei Avenue (source: CITIC Tower CCTV, live video footage and media reports [61]). Police officers approached CHRF's representatives and requested them to stop using the public announcement system or surrender it as it was hindering the police dispersal operation due to its high volume drowning out police announcements. Subsequently, a police officer seized the microphone (source: HKPF).    *[Image source: CITIC Tower CCTV (top left and right), Cable TV (bottom)]*
16:20	Police officers dispersed all protesters on Tim Wa Avenue to Harcourt Road and formed a cordon line at the junction between Tim Wa Avenue and Harcourt Road. Meanwhile, the police officers on or near Lung Wui Road dispersed the persons outside CITIC Tower to Tim Mei Avenue and continued to conduct sweeping along Tim Mei Avenue, dispersing the crowd to Harcourt Road (source: live video footage and media reports[62]).   *[Image source: Cable TV(left), HK01 (right)]*

Time (Approx.).	Incident
16:25	The Commissioner spoke to the press in Chinese, "…目前已是騷亂的情況…" (IPCC translation: "…the situation is a civil disturbance…") (source: Government website[63], HKPF[64] and media reports[65]).  *(Image source: Cable TV)*
16:38-17:13	About six ambulancemen entered CITIC Tower via its main entrance and conveyed four persons out from the building on stretchers (source: CITIC Tower CCTV).   *(Image source: CITIC Tower CCTV)*
16:45	Police officers used tear gas and less-lethal projectiles to disperse protesters from Tim Mei Avenue to Harcourt Road (source: live video footage and media reports[66]).   *(Image source: Now TV)*

Time (Approx.).	Incident
16:58	Some protesters confronted with police officers outside City Hall at Central (source: media reports[67]).  *(Image source: HK01)*
17:00-18:00	Police officers used tear gas and less-lethal projectiles to disperse the crowd on Harcourt Road. The protesters eventually dispersed westwards and southwards (source: live video footage and media reports[68]).   *(Image source: Now TV)*
17:42	The Police issued a press release entitled "Police take action to stop riot", explaining the situation and the police action in Admiralty since that morning (source: HKPF[69] and Government website[70]).
18:00	LegCo announced that no meeting would be convened that day (source: LegCo website[71]).
18:15-22:30	Police officers conducted sweeping on Queensway with the use of tear gas (source: live video footage and media reports[72]). The last tear gas was used at the junction of Queensway and Justice Drive between 21:00 and 22:00 (source: HKPF).   *[Image source: Now TV (left), RTHK (right)]*

Time (Approx.).	**Incident**
18:56	HQCCC instructed that sweeping action along Queensway should stop outside Pacific Place to avoid being attacked by some protesters at United Centre and Rodney Street (source: HKPF).
19:00	An interview with the Chief Executive recorded on the morning of 12 Jun was broadcast on television. In the interview, the Chief Executive stated that the Second Reading of the Fugitive Offenders Bill would proceed (source: media reports[73]).
19:00	Some protesters dispersed from Admiralty to Central (source: media reports[74]).
19:10	Around 300 protesters with weapons were approaching the PHQ (source: HKPF).
19:13	Some protesters took away materials from a construction site near the junction of Harcourt Road and Connaught Road Central and erected barricades on the road (source: media reports[75]).   *[Image source: HK01 (left), Now TV (right)]*
19:30	Around 100 protesters gathered at the junction of Arsenal Street and Hennessy Road. Around 2 000 – 3 000 protesters gathered in Pacific Place (source: HKPF).
20:00-22:00	Thousands of protesters obstructed roads in Central. Buses and private cars were trapped (source: media reports[76]).   *(Image source: HK01)*

Time (Approx.).	Incident
20:00-23:00	Hundreds of protesters erected barricades and gathered at the junction of Harcourt Road and Connaught Road Central (source: media reports[77]). At 22:13, a burning object (suspected petrol bomb) was thrown on the ground of Harcourt Road near Hutchison House. No one was hit or injured (source: media reports[78]).   *[Image source: RTHK (left), Now TV (right)]*
20:30	Admiralty MTR Station was closed upon the Police's request (source: media reports[79]).
20:50	The Chief Executive condemned the protest, speaking in Chinese "…這已經不是和平集會，而是公然、有組織地發動暴動…" (official translation: "…this is no longer a peaceful assembly but a blatant, organised riot…") (source: Government website[80]).
22:00	Police officers conducted sweeping from Arsenal Street to Harcourt Road and dismantled the road blocks (source: live video footage and media reports[81]).  *(Image source: Now TV)*
22:00	CHRF told the press that the Police had objected to the holding of assembly on the following day (source: media reports[82]).
23:00-23:59	Some protesters started to leave Admiralty, Central and Wan Chai (source: live video footage and media reports[83]).
23:30	The Police set up cordon lines at the junctions of (i) Tim Wa Avenue and Harcourt Road; (ii) Tim Wa Avenue and Lung Wo Road; (iii) Tim Mei Avenue and Harcourt Road; (iv) Tim Mei Avenue and Lung Wui Road; and (v) Lung Wui Road and Lung Hop Street (source: HKPF).

E. 13 June: 00:00 – 02:00 – Events after 12 June

Time (Approx.).	Incident
00:00	Protesters left Admiralty, Wan Chai and Central gradually (source: media reports[84]).  *(Image source: HK01)*
00:51	Traffic resumed in the Central area (source: media reports[85]).  *(Image source: HK01)*
01:00	A large amount of debris scattered on the roads. Some people cleared some debris on the roads. Traffic gradually resumed normal (source: media reports[86]).    *[Image source: Now TV (top left and right), HK01 (bottom)]*

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CHAPTER 9

INCIDENT DAY – MONDAY 1 JULY 2019

Introduction

9.1 This Chapter deals with the events on 1 July, the third Incident Day in a trilogy of events marking protests against the Fugitive Offenders Bill that occurred at the Legislative Council (LegCo) Complex, after 9 June and 12 June. 1 July was the day when violent protesters succeeded in storming the LegCo Complex in the late afternoon and later vandalised the building, including in particular the main chamber, computer server rooms, desks and rooms designated for Members. After the damage to the LegCo Complex, there were accusations from some media[1] that the Police was using an "empty city strategy (空城計)" to entrap the protesters or had intentionally allowed the protesters to enter and damage the LegCo Complex, so as to turn the public sentiment against them.

9.2 This incident, along with those on 9 June and 12 June, were directly related to violent protesters' attempts to break into the LegCo Complex and Police handling of the events stemming from these attempts. The three incidents were closely related. The purpose of this Chapter aims to inform the IPCC of the facts of the incidents relating to 1 July, when protesters finally broke into and vandalised the LegCo Complex. It would help the IPCC discharge its statutory function under section 8(1)(a) of the IPCC Ordinance in examining complaints relating to or stemming from attempts to break into the LegCo Complex on 9 June and 12 June. At the same time, the opportunity is taken to make recommendations to the Commissioner of Police under Section 8(1)(c) of the IPCC Ordinance to address the public concern.

Public Order Events before 1 July

9.3 The events surrounding the LegCo Complex on 9 June and 12 June have been detailed in Chapters 7 and 8. On 9 June, those who opposed the Fugitive Offenders Bill laid siege to the LegCo Complex and later in the evening, clashed with the police officers at police cordon line at the Complex, until daybreak the following day. Between 10 and 12 June, the day scheduled for the Second Reading of the Fugitive Offenders Bill, calls for action to disrupt the meeting had been widely circulated on the internet, and an ultimatum appeared in the internet that if the Government did not withdraw the Bill by 15:00, protest action would escalate.

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On 12 June, tens of thousands of people flooded to Central Government Complex (CGC) area and occupied the major thoroughfares outside the LegCo Complex and in Admiralty from morning to midnight, almost bringing the traffic between the east and west side of Hong Kong to a standstill during this period. As the Government did not withdraw the Fugitive Offenders Bill by the deadline of 15:00, violent protesters hurled bricks, iron rods and other hard objects at police officers guarding cordon lines surrounding CGC.

9.4 Between 12 June and 1 July, a number of significant events took place. On 15 June, the Chief Executive announced that the Government had decided to suspend the Fugitive Offenders Bill.[2] On Sunday 16 June, Civil Human Rights Front (CHRF) launched another procession with some two million people, on CHRF's estimate[3], flooding the streets. Despite the large turnout, the procession concluded peacefully at CGC without any clashes.[4] On 17 June, the Police management assured the public that those had not engaged in any violent acts during the Public Order Events (POEs) on 12 June need not worry about committing a riot offence.[5] On 18 June and 19 June, the Chief Executive and the Secretary for Security (S for S) publicly apologised for the Government deficiencies in processing the Fugitive Offenders Bill.[6] On the nights of 21 June and 26 June, several hundred to several thousand protesters laid siege to Police Headquarters (PHQ) after taking part in rallies earlier. The Police did not take any dispersal action and only stood guard inside PHQ, allowing the protesters to disperse in their own time. There was no physical confrontation between the protesters and the Police on both occasions, although the exterior of PHQ was defaced with slogans and CCTV cameras were disabled or actually broken; laser lights were also used to shine on police officers inside PHQ who could be seen from the street. Police officers and civilians inside PHQ were unable to leave till the early hours of the following morning after the siege.[7] The POEs concluded,

2 The Government of HKSAR Press Release (2019-06-15). Opening remarks by CE at media session. Retrieved from https://www.info.gov.hk/gia/general/201906/15/P2019061500707.htm

3 Police figure: 338 000

4 SCMP (2019-06-16). As it happened: A historic day in Hong Kong concludes peacefully as organisers claim almost 2 million people came out in protest against the fugitive bill. Retrieved from https://www.scmp.com/news/hong-kong/politics/article/3014695/sea-black-hong-kong-will-march-against-suspended

5 News.gov.hk (2019-06-17). Police chief clarifies "riot" term. Retrieved from https://www.news.gov.hk/eng/2019/06/20190617/20190617_224726_031.html

6 Government Press Releases (2019-06-18). Opening remarks by CE at media session (with photos/video). Retrieved from https://www.info.gov.hk/gia/general/201906/18/P2019061800812.htm?fontSize=1
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7 Ming Pao (2019-06-21). 【逃犯條例・不斷更新・短片】接近凌晨零時 警總外人潮未散. Retrieved from https://news.mingpao.com/ins/港聞/article/20190621/s00001/1561076224064/【逃犯條例-不斷更新-短片】接近凌晨零時-警總外人潮未散
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with no violent incidents or clashes between the protesters and the Police.[8]

9.5 It was against this background that the events on 1 July unfolded. A Chronology of the events on this day appears as Annex to this Chapter.

Events on 1 July

9.6 1 July was the anniversary of the establishment of HKSAR. A number of events were organised for the day. The flag-raising ceremony and celebrations were held at the Golden Bauhinia Square and Hong Kong Convention and Exhibition Centre (HKCEC) respectively that morning. Similar to previous years, CHRF also launched the 1 July procession from Victoria Park to CGC that afternoon. Since 29 June, the Police had received intelligence that some protesters had planned to disrupt the flag-raising ceremony, block the major thoroughfares near HKCEC and mount attacks on the LegCo Complex in order to press the Government to withdraw the Fugitive Offenders Bill. The Police deployed around 350 officers to secure the Golden Bauhinia Square and HKCEC, 1 100 officers to manage the 1 July procession and 200 police officers to defend inside the LegCo Complex.

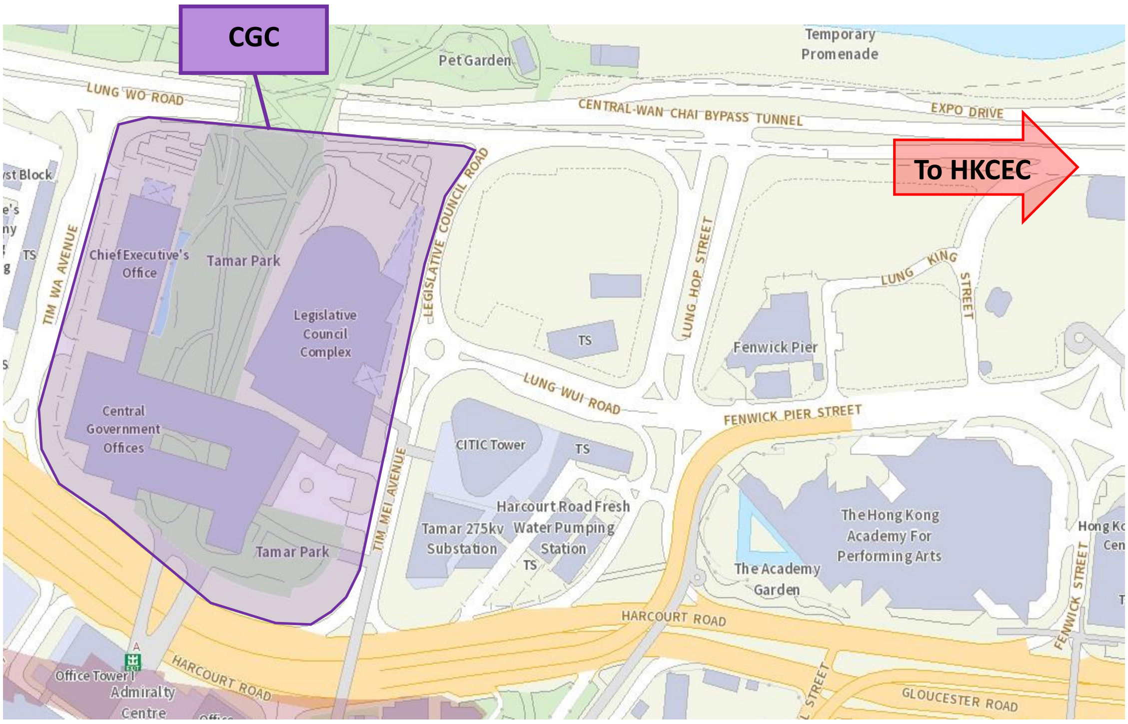
9.7 The Police adopted a two-tier command structure to run these operations. The policing objectives on 1 July for protection of CGC did not change from those on 9 June and 12 June, i.e. to protect the integrity of CGC, namely to ensure that CGC could function as intended and persons using CGC are safe. Unauthorised entry into CGC and violent or illegal acts to impair the functioning of CGC would not be tolerated. The policing approach was, as before, to prevent the preventable, manage the unpreventable and engage the unacceptable.[9]

9.8 HKCEC is about 600 metres from the LegCo Complex. Connecting the two complexes are Lung Wo Road along the waterfront, and Lung Wui Road extending to Fenwick Pier Street and Convention Avenue. Given their proximity to CGC, these roads together with Harcourt Road and other thoroughfares in Admiralty were targets for frequent blockade by protesters on 9 June and 12 June (see Maps 9-1 and 9-2).

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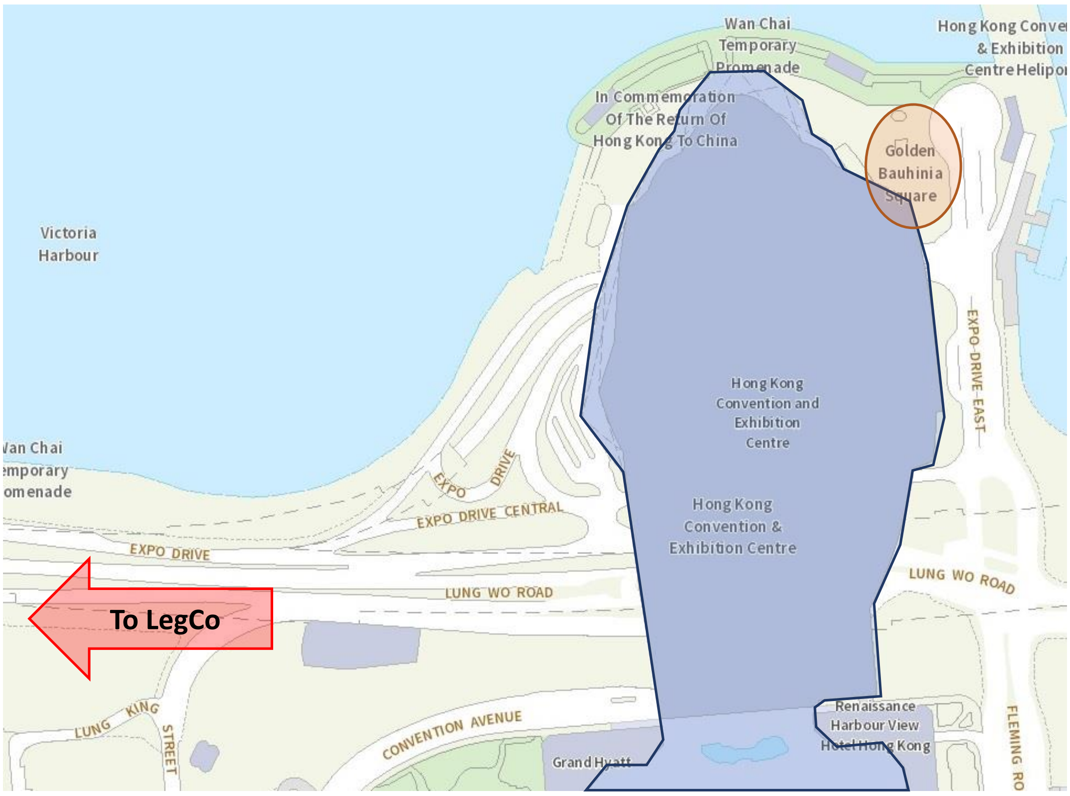
8 SCMP (2019-06-21). As it happened: How Hong Kong extradition bill protesters continued siege of police headquarters into Friday night. Retrieved from https://www.scmp.com/news/hong-kong/politics/article/3015463/hong-kong-extradition-bill-protesters-occupy-road-leading
SCMP (2019-06-26). Siege of Hong Kong police headquarters ends without clashes after 6-hour drama by extradition bill protesters. Retrieved from https://www.scmp.com/news/hong-kong/politics/article/3016238/hong-kong-police-under-siege-again-protesters-surround

9 Source: HKPF



Map 9-1: CGC area and around

(Source of base map: Lands Department)

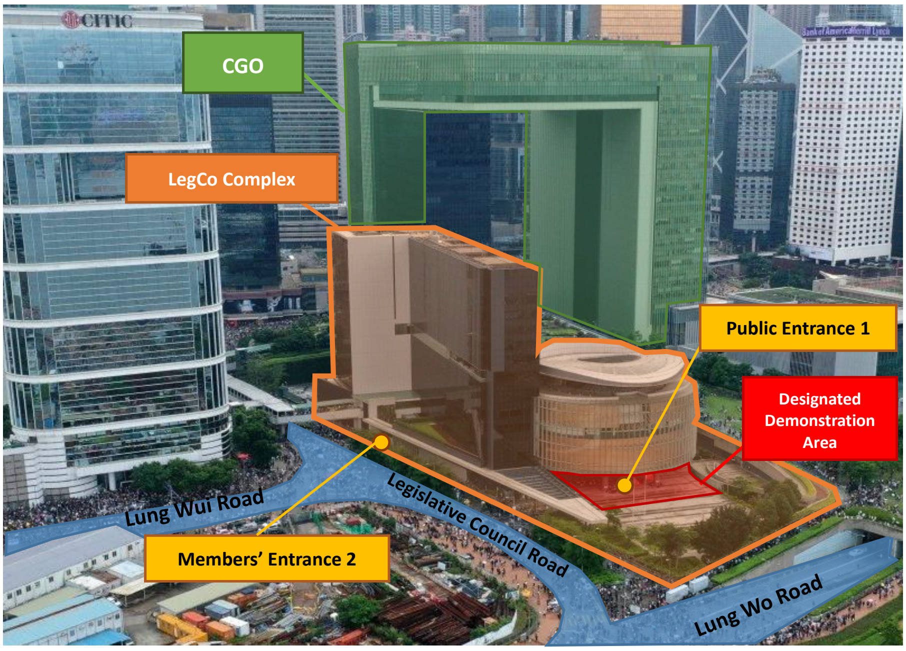


Map 9-2: HKCEC, Golden Bauhinia Square and around

(Source of base map: Lands Department)

9.9 In the small hours of 1 July, protesters started gathering outside the LegCo Complex. They later walked over to HKCEC and occupied Lung Wo Road, Lung Wui Road and Fenwick Pier Street near HKCEC. In the early morning, there were sporadic clashes between some protesters and the Police at these spots. According to the Police, they withdrew from these areas around 10:44 to avoid confrontation. The protesters continued to occupy those roads.

9.10 Around 13:17, some protesters started using metal rods and a cart loaded with objects to smash the glass panels repeatedly near Members' Entrance 2 of the LegCo Complex (see Graphic 9-1). They managed to break the glass but the police officers standing guard inside successfully warded them off. As a result of the events at the LegCo Complex, at 14:45 CHRF changed the finishing point of the procession from CGC to Central. At 14:54, some violent protesters at the LegCo Complex threw unknown objects emitting powdery smoke towards police officers. Some officers reported to have been injured by the powders, causing them breathing difficulties and redness on their skin. Fire Services Department (FSD) later examined the unknown objects and confirmed at 17:30 that the powders contained acidic and poisonous substances.



Graphic 9-1: CGC area, with indications of CGO, LegCo Complex and its Members' Entrance 2, Public Entrance 1 and the Designated Demonstration Area *(Source of base image: SCMP)*

9.11 Around 17:00, protesters moved to Public Entrance 1 and tried to smash the glass panels there (see Graphic 9-1). Around 17:30, they broke the glass panel and at around 21:00 pried open the roller shutter behind the glass panel. They then threw or shot some objects that emitted a billowing white powdery smoke at the police officers inside. As a result, the police

officers inside the LegCo Complex retreated to the adjacent Central Government Offices (CGO), leaving the LegCo Complex unguarded. After entering the LegCo Complex, the violent protesters remained inside for about three hours, causing very substantial damage with a subsequent repair cost of about $40 million.[10] The Police took dispersal action in the vicinity of the LegCo Complex around midnight, by which time most of the protesters had left the LegCo Complex.

9.12 A total of 20 police officers were injured on 1 July. Hospital Authority did not record any casualty in relation to the incident on 1 July.

9.13 As at 29 February 2020, the Police had arrested 44 persons (39 male and five female) in connection with the incident on 1 July for various offences, including "Unlawful Assembly", "Riot", "Assault on Police Officer", "Obstructing Police Officer", "Wounding with Intent", "Possession of Instruments Fit for Unlawful Purposes", "Possession of Part I Poison", "Failing to Carry HKID Card", "Criminal Damage", "Conspiracy to Criminal Damage", "Offence by Persons Entering or Remaining in Precincts of Chamber", and "Endangering Safety of Person or Property under Section 48 of Cap 448C (Air Navigation (Hong Kong) Order)". Among them, 13 persons had been charged in Court pending trial, 23 were still under police investigation and eight had been released.

9.14 The storming of the LegCo Complex on 1 July was an unprecedented event. Some media reports accused the Police of using an "empty city strategy (空城計)" to deliberately entice protesters to enter and vandalise the LegCo Complex.[11] The public also questioned the Police tactics and deployment to defend the LegCo Complex on 1 July, which were substantially different from those on 9 June and 12 June.

Sources of Information

9.15 For the purpose of its study of events on 1 July, the IPCC has scrutinised the following materials:

(a) Documents provided by the Police in respect of police deployment and operation, prior intelligence received, use of police weapons and casualties involved in the incident day.

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10 RTHK (2019-10-18). 梁君彥稱立法會維修費約 4 千萬 下星期三四發黃色警示. Retrieved from https://news.rthk.hk/rthk/ch/component/k2/1484918-20191008.htm

11 The Stand News (2019-07-02). 【佔領立法會】警突全撤 被指「空城計」讓示威者闖入 盧偉聰否認刻意設陷阱. Retrieved from https://thestandnews.com/politics/佔領立法會-警突全撤-被指-空城計-讓示威者闖入-盧偉聰否認刻意設陷阱/

(b) Operational Orders related to Operation TIDERIDER provided by the Police.

(c) Information obtained from meetings with the Police.

(d) Footage recorded by the Police pertaining to the 1 July operations. A total of six video clips of one hour and four minutes long were viewed.

(e) News reports and news footage produced by different television companies, newspapers and media. A total of 68 news reports and 138 video reports of 120 hours long were examined.

(f) Footage and photos provided by the public in response to IPCC's appeal.

(g) Press statements obtained from the websites of Information Services Department (*news.gov.hk* and *info.gov.hk*), the Police (*police.gov.hk*) and LegCo (*legco.gov.hk*) concerning the incidents on 1 July.

(h) CITIC Tower CCTV footage provided by Property management of CITIC Tower to the IPCC, including 141 CCTV clips consisting about 152 hours in relation to 1 July.

(i) Information obtained from a site visit to the LegCo Complex by the IPCC Secretariat staff.

<u>The Events</u>

Events between 12 June and 1 July

9.16 After 12 June, a number of significant events took place before 1 July. They are as follows:

- After 12 June, the public continued to call for the withdrawal of the Fugitive Offenders Bill. CHRF organised another public procession on 16 June and appealed to people to show up to voice their condemnation of the Fugitive Offenders Bill.

- On 15 June, in view of general public sentiments against the Fugitive Offenders Bill, the Chief Executive announced that the Government had decided to suspend the

Fugitive Offenders Bill.[12]

➢ On 16 June, CHRF launched a public procession walking from Victoria Park to CGC (see Image 9-1). According to CHRF's estimate, two million took part in the procession. Despite the Chief Executive's announcement on 15 June, some members of the public were still worried that the Government would revive the Fugitive Offenders Bill in the future.[13] There were also strong public sentiments against the Police for using force on the protesters on 12 June and characterising the situation that day as a riot. In the public procession, some protesters demanded the Government to withdraw the Fugitive Offenders Bill, the Police to retract the characterisation of the incident on 12 June as a riot, the Police to account for their excessive use force on 12 June, and the unconditional release of those arrested on 12 June. The procession was generally peaceful apart from some hundreds of protesters remaining in the area outside CGC after the event and occupying Harcourt Road from midnight to the early hours on the following day. There was no confrontation between the protesters and the Police.[14]



Image 9-1: CHRF procession held on 16 June 2019
(Image source: HK01)

12 The Government of HKSAR Press Release (2019-06-15). Opening remarks by CE at media session. Retrieved from https://www.info.gov.hk/gia/general/201906/15/P2019061500707.htm

13 Hong Kong Economic Journal (2019-06-17). 陳景生:政府不撤回修訂逃犯條例不智. Retrieved from https://www2.hkej.com/instantnews/current/article/2164248/陳景生%3A 政府不撤回修訂逃犯條例不智

14 SCMP (2019-06-16). As it happened: A historic day in Hong Kong concludes peacefully as organisers claim almost 2 million people came out in protest against the fugitive bill. Retrieved from https://www.scmp.com/news/hong-kong/politics/article/3014695/sea-black-hong-kong-will-march-against-suspended

- On 17 June, the Police management clarified that the remarks made on the riot on 12 June were aimed only at those whose behaviour amounted to riotous acts. Other protesters who took part in the public order events but did not engage in the violent acts need not worry that they had committed riot ("我當日所說，其實是指某些人的行為已經涉嫌干犯暴動罪，所以當日參與公眾活動的其他示威人士，如沒參加過任何暴力行為，他們不用擔心會觸犯暴動罪。").[15]

- On 18 June and 19 June, the Chief Executive and the S for S openly apologised for Government deficiencies in processing the Fugitive Offenders Bill.[16]

- On 19 June, the Federation of Students and five university student unions announced that if the Government did not respond to demands made by the public by 17:00 on 20 June, they would escalate their actions and initiate a non-cooperation movement at 07:00 on 21 June.[17] In support of this call by the student unions, many people dressed in black sat in silence at the designated demonstration area at the LegCo Complex in the small hours of 21 June. By 10:00 that day, more than a thousand people had gathered at the designated demonstration area. At 11:00, the protesters decided to escalate their action and walked out to Tim Mei Avenue and Harcourt Road. They used water-filled barriers (not those used by the Police) and traffic cones to block the eastbound and westbound lanes of Harcourt Road (see Image 9-2). Afterwards, many of them proceeded to PHQ and laid siege. More people later joined the siege of PHQ with thousands of them at its peak (see Image 9-3). Some protesters threw eggs at the building, obscured CCTV cameras installed on the boundary wall and spray-painted slogans on the walls of the building. Laser lights were also shone on police officers visible from the street. The Police did not take any dispersal action but only guarded inside PHQ. Most of the protesters left in the small hours on the following day. Again, the Police did not have any physical confrontation with the protesters.[18]

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15 News.gov.hk (2019-06-17). Police chief clarifies "riot" term. Retrieved from https://www.news.gov.hk/eng/2019/06/20190617/20190617_224726_031.html

16 Government Press Releases (2019-06-18). Opening remarks by CE at media session (with photos/video). Retrieved from https://www.info.gov.hk/gia/general/201906/18/P2019061800812.htm?fontSize=1
Government Press Releases (2019-06-19). Transcript of remarks by S for S at media session. Retrieved from https://www.info.gov.hk/gia/general/201906/19/P2019061900772.htm?fontSize=1

17 RTHK (2019-06-19). 大專學界促撤回修例撤暴動定性撤控並追究警方濫用暴力. Retrieved from https://news.rthk.hk/rthk/ch/component/k2/1463752-20190619.htm?archive_date=2019-06-19

18 Ming Pao (2019-06-22). 萬人圍警總 快閃堵政府 3 大樓 G20 前夕冀國際施壓 民陣發起周三中環集會. Retrieved from https://news.mingpao.com/pns/要聞/article/20190622/s00001/1561141004409/萬人圍警總-快閃堵政府 3 大樓-g20 前夕冀國際施壓-民陣發起周三中環集會
CBS News (2019-06-22). Hong Kong protesters end police headquarters siege. Retrieved from https://www.cbsnews.com/news/hong-kong-protesters-end-police-headquarters-siege-today-2019-06-22/



Image 9-2: On 21 June, protesters used water-filled barriers and traffic cones to block Harcourt Road

(Image source: RTHK)

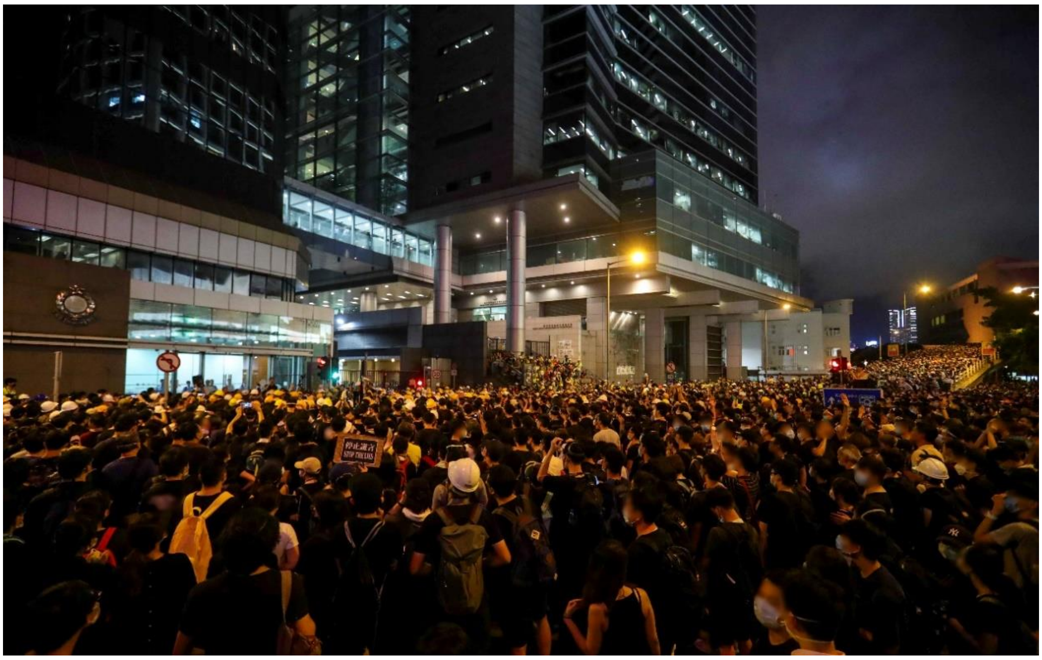


Image 9-3: Protesters laid siege of PHQ on 21 June 2019

(Image source: SCMP)

- On the evening of 26 June, CHRF launched another rally at the Edinburgh Place in Central with around 10 000 participants (see Image 9-4). Participants in the assembly called for the Chief Executive to respond to their demands. When the assembly concluded around midnight, over a thousand participants walked to PHQ and once again

laid siege to the police complex (see Image 9-5). Similar to 21 June, the Police only guarded inside PHQ without taking proactive action. The protesters gradually left the location in the small hours of 27 June. Around 03:00, when only around 200 protesters remained outside PHQ, the Police dispersed them in the direction of Wan Chai. The event concluded peacefully without any violent clash that night.[19]



Image 9-4: CHRF rally at Edinburgh Place on 26 June 2019

(Image source: Ming Pao)

[19] Ming Pao (2019-06-27). 喚 G20 關注集會後 千人再圍警總 噴漆撬字擲蛋 警拉閘按兵不動. Retrieved from https://news.mingpao.com/pns/港聞/article/20190627/s00002/1561574385071/喚 g20 關注集會後-千人再圍警總-噴漆撬字擲蛋-警拉閘按兵不動

SCMP (2019-06-26). Siege of Hong Kong police headquarters ends without clashes after 6-hour drama by extradition bill protesters. Retrieved from https://www.scmp.com/news/hong-kong/politics/article/3016238/hong-kong-police-under-siege-again-protesters-surround

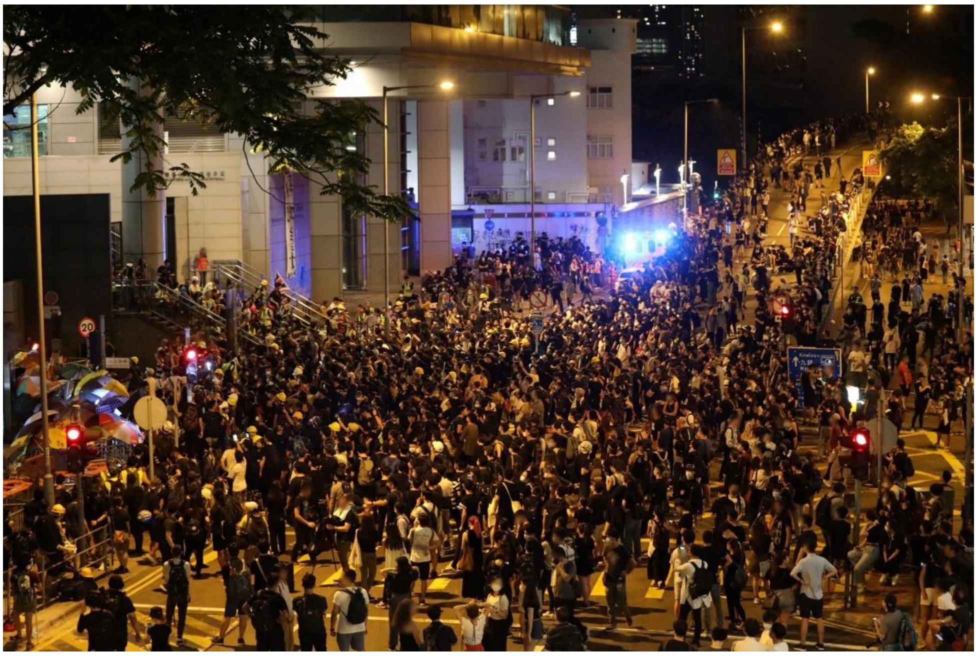


Image 9-5: Protesters laid another siege of PHQ after CHRF rally on 26 June 2019
(Image source: SCMP)

Clashes before the Flag-raising Ceremony

- Around 03:00 of 1 July, hundreds of protesters gathered at the designated demonstration area of the LegCo Complex. Since 04:52, some of the protesters had blocked the roads near the HKCEC, including Lung Wo Road, Lung Wui Road and Fenwick Pier Street. There were stand-offs between those protesters and the Police until around 07:10 (see Images 9-6 and 9-7) (source: media reports).





Images 9-6 and 9-7: In the small hours of 1 July, protesters and the Police were in stand-off near the HKCEC
(Image source: RTHK and HK01)

- Around 07:10, there were clashes between some protesters and police officers near Fenwick Pier Street (source: HKPF). Police officers used batons and OC foam to contain the protesters at Harcourt Road near Tim Mei Avenue (see Image 9-8). From 07:30 onwards, the situation became a stand-off again between the Police and protesters (source: media reports). Some violent protesters threw bricks, balloons containing suspected corrosive liquid and objects emitting smoke at police officers. 14 police officers were injured. At 10:44, police officers were instructed to withdraw (source: HKPF).



Image 9-8: At around 07:20, police officers used OC Foam and batons to disperse protesters
(Image source: HK01)

Charging on the LegCo Complex at Members' Entrance 2

➢ Around 13:17, some 50 protesters had gathered at the LegCo Complex and started to crash repeatedly into the glass panels at Members' Entrance 2, with a loaded metal cart (see Image 9-9) (source: HKPF and media reports). At 14:51, the protesters succeeded in breaking one of the glass panels. The police officers inside used OC foam on the protesters near the broken glass panel (see Image 9-10) (source: media reports and live video footage). At 14:54, the protesters threw some unknown objects emitting powdery smoke towards police officers. Some officers reported to have been injured by the powder, causing them breathing difficulties and redness on their skin. FSD later arrived and examined the objects (source: HKPF). The protesters there did not force entry but continued to hit other glass panels with hard objects until around 16:10. During the whole process, the police officers remained on guard inside the LegCo Complex behind the glass door at Members' Entrance 2 (source: media reports). At 17:30, FSD confirmed that the powder emitted from the unknown objects contained an acidic and poisonous substance called "P-phenylenediamine dihydrochloride" (source: HKPF).

➢ At 14:59, the Police formulated a sweeping plan, intending to push the protesters away from the LegCo Complex towards the east. Headquarters Command and Control Centre (HQCCC), however, decided not to execute the sweeping plan (source: HKPF).



Image 9-9: Around 13:17, some protesters started charging the LegCo Complex, including using a metal cart

(Image source: HK01)

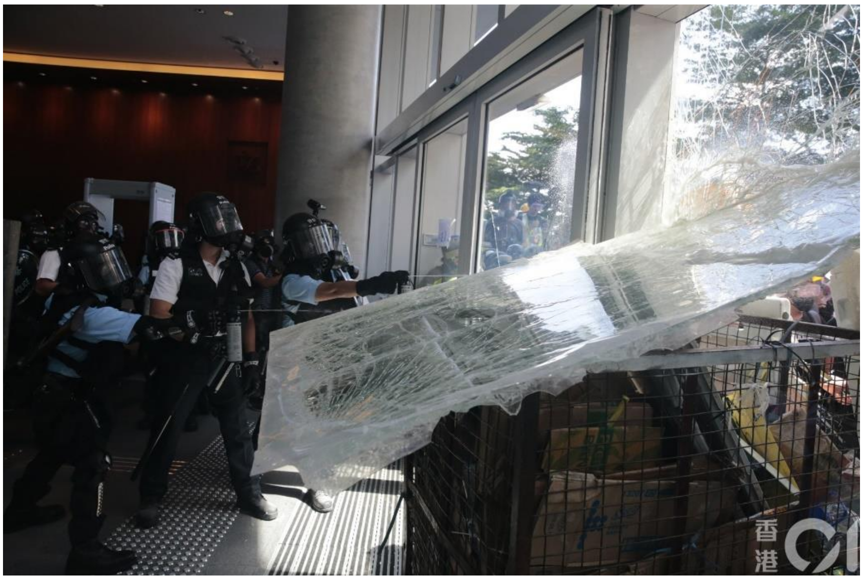


Image 9-10: At 14:51, the metal cart used by the protesters broke through one of the glass panels

(Image source: HK01)

CHRF Procession

➢ At 14:45, the procession organised by CHRF started off at the Victoria Park (source: HKPF). As some protesters were trying to force into the LegCo Complex, CHRF announced that the procession would not finish at CGC. The procession would head straight to Chater Road in Central (see Map 9-3). The head of the procession arrived at the finishing point in Central at 15:52 (source: HKPF). Since 16:10, many protesters started detouring from Queensway and proceeded to the LegCo Complex area (see Image 9-11) (source: media reports). The whole procession concluded at 21:20 (source: HKPF).



Map 9-3: Planned and diverted route of CHRF procession

(Source of base image: SCMP)



Image 9-11: Since 16:10, protesters started detouring from Queensway and proceeded to the LegCo Complex
(Image source: HK01)

Charging on the LegCo Complex at Public Entrance 1, Police Retreat and the Storming of the LegCo Complex

- Around 17:00, over a thousand protesters were in the area outside Public Entrance 1 of the LegCo Complex (see Image 9-12). Many of them started smashing the glass panels at the entrance (source: HKPF and media reports). The Police deployed 200 more officers to the LegCo Complex as reinforcement (source: HKPF).



Image 9-12: At around 17:00, some protesters attacked the glass panels near Public Entrance 1
(Image source: HK01)

- Around 18:30, some of them broke into the building and moved forward to the roller shutter installed right behind their entry point and tried to pry open the roller shutter (source: HKPF and media reports). Around 400 police officers were on guard inside the building (source: HKPF).

- At 20:39, over 2 000 protesters had gathered outside LegCo Complex. Someone (believed by the Police to be among the protesters) from outside the LegCo Complex tampered with the electricity supply box installed right outside the LegCo Complex and disrupted the power supply to some parts of the building (source: HKPF). Lights suddenly went off in some parts of the building (see Image 9-13) (source: HKPF, media reports and live video footage).



Image 9-13: At 20:39, lights went off in some parts of the LegCo Complex
(Image source: RTHK)

- At 20:47, the violent protesters had already pried open part of the roller shutter. They threw objects that emitted a powdery smoke through the broken roller shutter into the area where the police officers were on guard (see Image 9-14). HQCCC considered the situation at the LegCo Complex was not suitable for dispersing protesters and instructed officers to retreat at 20:51 (source: HKPF). The police officers left the LegCo Complex through a passage to go to the adjacent CGO (see Image 9-15) (source: media reports and live video footage).



Image 9-14: At 20:47, smoke-emitting objects thrown towards the Police inside the LegCo Complex
(Image source: HK01)



Image 9-15: At 20:51, police officers retreated from the LegCo Complex to the adjacent CGO
(Image source: Cable TV)

➢ At around 21:00, hundreds of protesters entered the LegCo Complex and vandalised the premises (see Images 9-16 to 9-17) (source: media reports).

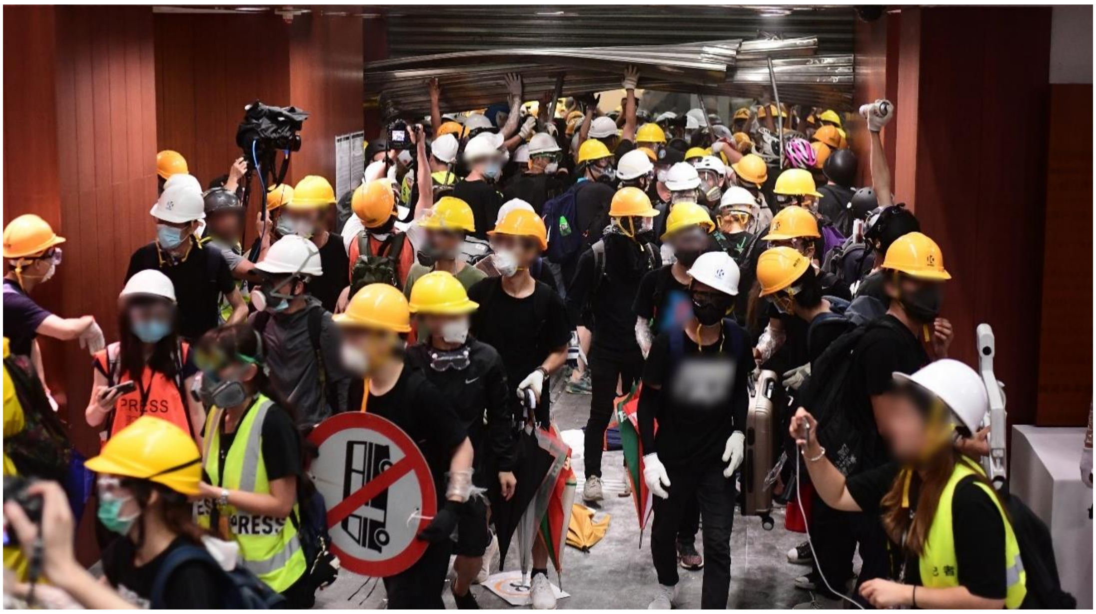


Image 9-16: At 21:00, violent protesters entered the LegCo Complex
(Image source: Ming Pao)



Image 9-17: After 21:00, violent protesters occupied the LegCo Complex and vandalised the premises
(Image source: HK01)

➢ At 21:35, the Police senior management gave instructions for the formulation of a plan for the situation inside the LegCo Complex. Between 22:00 and 22:32, the Police senior management instructed police officers to proceed to the Police College for briefing (source: HKPF).

➢ At 22:21, the Police announced on the internet that they would conduct dispersal actions very shortly. At 23:40, the Police arrived in the vicinity of the LegCo Complex for the dispersal actions (source: HKPF and media reports).

➢ At 00:02 on 2 July, the Police advanced towards the protesters at Lung Wo Road with a black warning flag indicating "WARNING TEAR SMOKE". Violent protesters threw bricks, umbrellas, hard objects and eggs at the Police. The Police started to disperse the protesters in the vicinity of the LegCo Complex with rounds of tear gas fired near Lung Wui Road and Lung Wo Road (see Image 9-18) (source: HKPF). The violent protesters inside the LegCo Complex started to leave. They and other protesters retreated to Admiralty Centre via Tim Mei Avenue and Harcourt Road. Up to around 00:41, protesters started to disperse and leave Admiralty area (source: HKPF). After that, the Police entered the LegCo Complex around 01:00. All the protesters had already left (source: media reports).



Image 9-18: At 00:02 of 2 July, the Police fired tear gas to disperse the protesters in the LegCo area

(Image source: HK01)

Complaints against Police

9.17 The incident on 1 July did not give rise to any Reportable Complaint (RC) but there were ten Notifiable Complaints (NCs). The ten NCs include two about excessive use of force on the protesters; two about the Police failure to take appropriate action to stop the protesters from damaging the LegCo Complex; one about inappropriately conducting stop and search on citizens and vehicles; and one about failing to display insignia by some police officers. The remaining four were about other improper police demeanours such as being impolite to protesters.

Police Response

9.18 In response to the events of this day, the Police management had made various observations to the IPCC. The Police response is set out below:

9.19 The plan of the Police was to defend from inside the LegCo Complex. There was no plan to do sweeping outside the LegCo Complex as 1 July was a public holiday and there was no meeting and no staff working in the LegCo Complex. This was unlike the situation of 12 June where there was on-going business with a meeting scheduled in LegCo.

9.20 Two major events, namely the flag-raising ceremony at the Golden Bauhinia Square and the public procession staged by the CHRF, were held in the morning and afternoon respectively. Since 29 June, there had been heated online discussions summoning protesters to replace the national flags with black flags, prohibit guests and officials from attending the flag-raising ceremony and mount attacks to iconic locations such as CGC, Government House, PHQ, and Liaison Office of the Central People's Government, etc.

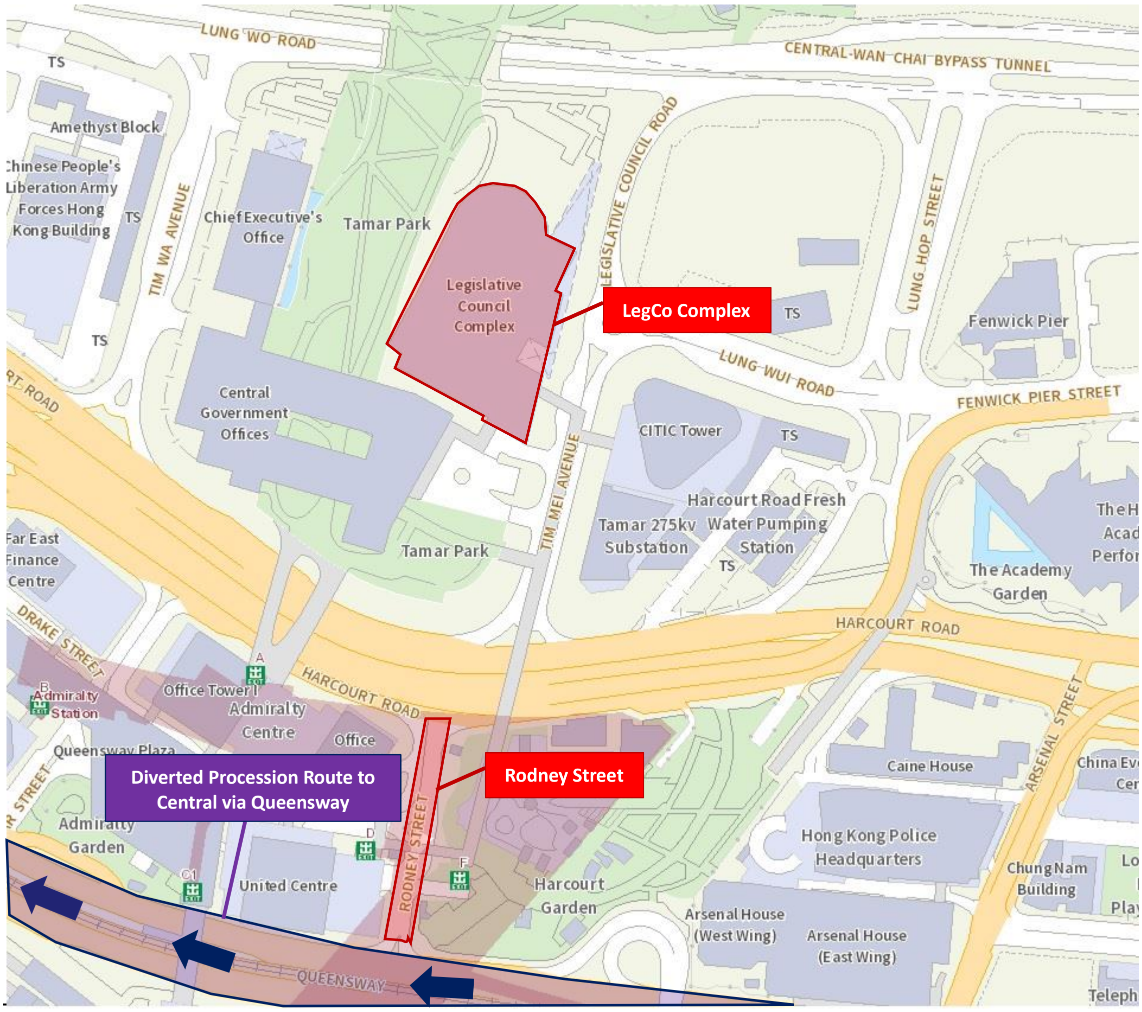
9.21 Due to the heated discussions on prohibiting or disrupting the flag-raising ceremony, the Government arranged sea routes for the officials, guests and staff to proceed to the Golden Bauhinia Square. Manpower from six local police districts was therefore deployed to safeguard the assembly points for the attendants. Marine Police were deployed to safeguard the waters near Golden Bauhinia Square and the coastal area. Police resources were tied up as protesters started their action early in the morning to disrupt the flag-raising ceremony.

9.22 At 13:17, many protesters surrounded the LegCo Complex and they started to damage the glass entrance and threw smoke bombs of unknown substances at police officers who were guarding inside the Complex. The number of protesters around CGC increased rapidly. However, the presence of reporters and LegCo Members caused significant difficulties in mounting immediate dispersal or arrest action. Such action might trigger the escalation of violence by the protesters that would endanger the reporters, LegCo Members and

other public members there.

9.23 At around 14:54, some violent protesters used ‘smoke bombs’ to attack police officers defending the LegCo Complex. Although the Police reinforcement was ready for sweeping, around 150-200 protesters started to block Harcourt Road at 15:08. Information revealed that some protesters would attack Government House and PHQ. Subsequently, at around 15:52, the procession reached Central area and the number of participants rapidly rose to 38 000 at 16:30. Meanwhile, ambulance and FSD officers arrived at CGC to convey injured police officers to hospital and to examine the suspicious gas or powder from ‘smoke bombs’. FSD later found the powder from ‘smoke bombs’ contained an acidic and poisonous substance called ‘P-phenylenediamine dihydrochloride’.

9.24 There were already a large number of protesters occupying Lung Wo Road, Tim Mei Avenue, Lung Wui Road and the section of Harcourt Road outside Admiralty Centre (see Map 9-4). They were subsequently joined by over tens of thousands protesters detoured from the procession route at Rodney Street upon incitation by protesters. If the Police conducted the sweeping operation, police officers could be trapped in the intersection of Tim Mei Avenue and Harcourt Road and might trigger off a major battle with more protesters flooding into the area from the Causeway Bay/ Wanchai direction. Having regard to public safety, HQCCC decided against sweeping action. It was assessed that any escalation of violence might endanger innocent people like peaceful protesters, FSD officers, ambulance officers and reporters at the scene. Hence, the Police did not take dispersal or arrest action in that situation.



Map 9-4: CGC area, Rodney Street and the diverted CHRF procession route

(Source of base map: Lands Department)

9.25 At around 20:51, over 3 000 protesters were gathering at the designated demonstration area of the LegCo Complex. They besieged the LegCo Complex and attempted to forcibly enter the building, while thousands of other protesters remained around CGC. The crowd continued to build up as the protesters of the CHRF procession continuously joined in after reaching their destination. There were only two options left: to stay and protect the building; or to withdraw. If the officers were to stay and protect the building, they could only use batons to disperse the crowd which might cause serious injuries. In the indoor environment, the Police could not use the same forms of force for controlling a situation in more open space. The situation got worse as some protesters had tampered with the electrical box of the LegCo Complex and tried to cut off the electricity supply causing some lights to go off. Given the power failure, it was not known whether the fire service installation remained functional. The area was a closed area without good ventilation so that 'smoke bombs' thrown by protesters might endanger officers on the spot. Having considered the escalated violent tactics of the protesters and the limitations of the local environment, police officers retreated

from the LegCo Complex for the officers' safety and avoidance of severe casualties.

IPCC Observations

9.26 The IPCC notes the Police response at paragraphs 9.18 to 9.25 and also that the protesters did not target the LegCo Complex between 12 June and 1 July amid the Government's suspension of the Fugitive Offenders Bill:

(a) After the announcement made by the Chief Executive on 15 June about suspending the Fugitive Offenders Bill, on 18 June and 19 June, the Chief Executive and S for S had publicly apologised for the Government deficiencies in processing the Fugitive Offenders Bill.

(b) After the clash on 12 June at the LegCo Complex, the violent protesters did not target the LegCo Complex.

(c) Even though the 16 June procession had an estimated turnout of two million[20], it concluded at CGC without any violent incident.

(d) The sit-in rally on 21 June at the designated demonstration area at the LegCo Complex was peaceful. During and after the event, the protesters made no attempt to enter the LegCo Complex or cause any damage to it. Instead, the protesters laid siege to PHQ.

(e) After the rally on 26 June, the protesters again went to PHQ instead of CGC. The protesters did not target the LegCo Complex.

(f) 1 July was a public holiday and annual celebration day. All Government officials and LegCo Members were invited to attend the celebration at the HKCEC.

9.27 The IPCC takes note of the Police response that the Police deployments for the defence of the LegCo Complex were the result of intelligence based risk assessment, and that the tactics adopted were the result of changing circumstances faced by the Police on that day. But unfortunately, the risk assessment had turned out to be flawed. The primary objective of Operation TIDERIDER was ensuring the integrity of the LegCo Complex. It is regrettable that this objective was not achieved. The IPCC considers that insufficient thought was given to the vulnerability of the building to a successful break-in, which did happen later that day, resulting in serious vandalisation of the interior and internal facilities of the building. With

[20] Police figure: 338 000

hindsight, the objective of protecting the LegCo Complex could have been achieved had the Police has taken early measures to contain and protect the LegCo Complex, such as utilising stronger protective barriers. It is observed that this has now been done (see Images 9-19 & 9-20).

<u>Recommendations by IPCC under Section 8(1)(c) of IPCC Ordinance</u>

9.28 The IPCC recommends that, based on the lessons learnt from this episode, the Police management should conduct the following reviews:

(a) The Police ability to mobilise and allocate manpower to deal with several major POEs simultaneously;

(b) The Police ability for timely assessment (including ability to collect intelligence) and identification of potentially risky targets including those of symbolic or strategic importance to the HKSAR, in particular the LegCo Complex, in the light of possible escalation of violent protests;

(c) The Police ability to assess risk (including identification and evaluation of potential vulnerability) and identify risk mitigation of each major potential target, for instance, the glass panels and doors and the electricity supply box at the LegCo Complex, better utilisation of stronger protective barriers, such as water-filled barriers that had been deployed during the visit of the Vice Premier in 2011 and subsequently deployed on 21 July and thereafter (see Images 9-19 & 9-20);

(d) Risk mitigation measures identified for each target at risk and regularly review in the light of changing circumstances;

(e) The strategic effectiveness of setting up cordon lines inside the LegCo Complex as opposed to outside the Complex, allowing the external perimeter of the building to be breached and refraining from taking dispersal action until midnight; and

(f) The general tactics to lessen confrontation, where protection of targets at risk are concerned.



Image 9-19: Water-filled barriers at LegCo Complex on 1 October

(Image source: Ming Pao)



Image 9-20: Water-filled barriers outside Mong Kok Police Station on 30 September

(Image source: RTHK)

ANNEX

CHRONOLOGY – MONDAY 1 JULY 2019

Key Incidents

A.	03:00 – 10:44	Clashes in the morning
B.	13:17 – 16:10	Charging the LegCo Complex at Members' Entrance 2
C.	14:45– 21:20	CHRF Procession
D.	17:00– 01:00	Charging the LegCo Complex at Public Entrance 1, Police Retreat and the storming of the LegCo Complex

Chronology of Events

A. Clashes in the morning

Time (Approx.)	Incident
03:00	Hundreds of protesters gathered at the designated demonstration area of the LegCo Complex. They raised a darkened version of the HKSAR flag in place of the national flag outside LegCo (source: media reports[1]).   *(Image source: HK01)*
04:52	Protesters blocked Lung Wo Road, Lung King Street and roads around the HKCEC with metal barricades, rubbish containers and other obstacles. The Police gave warning and urged the protesters to leave. Meanwhile, the Police with shields advanced towards the protesters along Lung Wo Road (source: media reports[2]).   *(Image source: Ming Pao and HK01)*

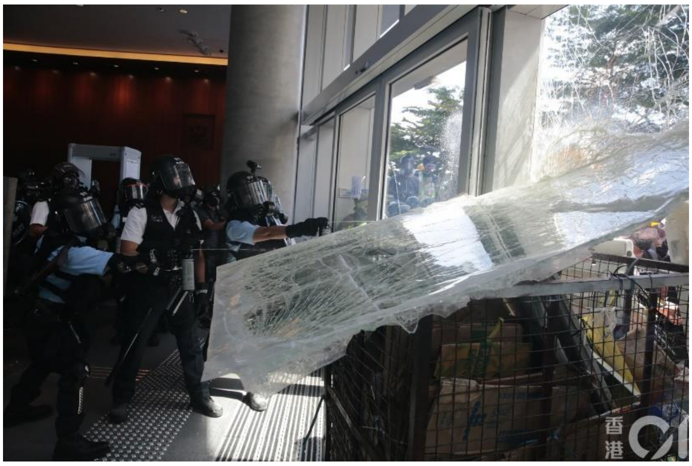
Time (Approx.)	Incident
04:59	The Police raised a yellow flag saying "Police Cordon Do Not Cross" near the HKCEC (source: media reports[3]).  *(Image source: HK01)*
05:41	Protesters were in stand-off with the Police at the junction of Lung Wui Road and Fenwick Pier Street. The Police raised a red warning flag asking protesters to stop charging. Staying 50 metres away from the Police, protesters held up umbrellas and faced off against the Police (source: media reports[4]).  *(Image source: RTHK)*
07:10	There were clashes between some protesters and police officers near Fenwick Pier Street (source: HKPF). Objects were thrown towards the Police. In response, the Police used batons and pepper spray to push the protesters back towards Lung Wui Road (source: media reports[5]). An officer reported to have been injured by a brick thrown towards him at Lung Wui Road / Lung Hop Street at around 07:22 (source: HKPF).

Time (Approx.)	Incident
	 *(Image source: HK01)*
07:22 – 07:30	The Police in Harcourt Road used batons and pepper spray to disperse the crowd while protesters shielded themselves with umbrellas. From 07:30 onwards, the situation became a stand-off again between the Police and protesters (source: media reports[6]).   *(Image source: From Stand News Facebook public page and Ming Pao)*
07:40	Police cordon lines were set up at various locations in the area, including Harcourt Road, CITIC Tower (facing LegCo), Lung Hop Road / Lung Wo Road (facing North), etc. (source: HKPF).
07:49	Police officers started to push forward towards protesters at Harcourt Road. Protesters started to move backwards towards Admiralty (source: media reports[7]).
07:58	Police officers were standing by at Harcourt Road and Fenwick Street (source: media reports[8]).
08:00	Around 12 officers were reported injured by balloons containing suspected corrosive liquid at Harcourt Road (source: HKPF).
08:41	Protesters at Lung Hop Street retreated to Lung Wo Road (source: media reports[9]).
08:55	An officer was reported injured by an unknown smoke emitting object thrown towards the Police cordon line at Lung Wui Road (source: HKPF).

Time (Approx.)	Incident
10:30	Protesters subdued a man who took photos of them near Lung Wui Road (source: media report[10]).  *(Image source: Sing Tao Daily)*
10:44	HQCCC instructed that police manpower at HKCEC could withdraw (source: HKPF).

B. Charging the LegCo Complex at Members' Entrance 2

Time (Approx.)	Incident
13:17 onwards	Some protesters attempted to break into the LegCo Complex at Members' Entrance 2, including charging at the glass panel with rods and a metal cart. Several lawmakers tried to persuade the protesters to stop their action but in vain. In the meantime, hundreds of police officers had their shields raised were standing inside the LegCo Complex (source: media reports[11]).   *(Image source: HK01)*
13:30 - 14:45	Various Police units (including PTU and EU coys) were mobilised to CGC (source: HKPF).
13:51	Protesters threw smoke emitting objects to the police cordon inside the LegCo Complex (source: HKPF).
14:51	The metal cart used by the protesters broke through one of the glass panels. Police officers in riot gear then discharged pepper spray-based solution at protesters through the shattered glass (source: media reports and live video footage[12]).

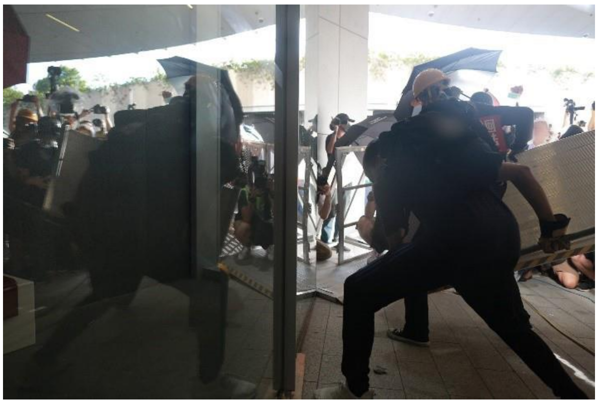
Time (Approx.)	Incident
	 *(Image source: HK01)*
14:54	Protesters threw unknown objects emitting powdery smoke towards the Police stationed inside the LegCo Complex. At 17:30, the FSD confirmed that the powders in the objects contained an acidic and poisonous substance called "P-phenylenediamine dihydrochloride" (source: HKPF).
14:59	The Police formulated a sweeping plan, intending to push the protesters away from the LegCo Complex towards the east. The plan was not executed for safety concern (source: HKPF).
15:08	Around 150-200 protesters blocked Harcourt Road (source: HKPF).
15:24	Police called ambulance as officers were reported to be injured by the smoke emitted from the object thrown in by protesters (source: HKPF).
15:56	Ambulance arrived at CGC (source: HKPF).
16:10	Protesters stopped charging the LegCo Complex. Some of them moved on to Harcourt Road (source: media reports[13]).

C. CHRF Procession

Time (Approx.)	Incident
14:45	CHRF commenced the procession at Victoria Park. Destination changed from Tim Mei Avenue to Chater Road (source: HKPF). This was because some protesters were trying to force into the LegCo Complex (source: media reports[14]).
15:05	CHRF procession reached Causeway Road (source: HKPF).

Time (Approx.)	Incident
	 *(Image source: HK01)*
15:42	CHRF procession reached Southorn Playground (source: HKPF).
15:52	The head of the CHRF procession entered Central area (source: HKPF).
16:05	CHRF procession reached Cheung Kong Centre (source: HKPF).
16:10 onwards	Many protesters started detouring from the procession route at Queensway and proceeded to the LegCo Complex area (source: media report[15]).  *(Image source: HK01)*
21:20	The CHRF procession was concluded (source: HKPF).

D. Charging the LegCo Complex at Public Entrance 1, Police Retreat and the storming of the LegCo Complex

Time (Approx.)	Incident
17:00	Thousands of protesters started smashing the glass panels at Public Entrance 1 of the LegCo Complex (source: HKPF and media reports[16]). The Police deployed 200 more officers to the LegCo Complex as reinforcement (source: HKPF).  *(Image source: HK01)*
17:30	Protesters tried to break the glass doors at Public Entrance 1. A small group of protesters entered the Complex through the main entrance. Simultaneously, police officers with shields and gas masks were standing by inside the Complex, with rifles for rubber rounds, super sock rounds and tear gas canisters ready (source: media reports[17]).  *(Image source: Ming Pao)*
18:00	The LegCo Secretariat issued a Red alert (source: Government[18], LegCo[19] and media reports[20]).[21]
18:30	Protesters were trying to pry open the roller shutter installed right behind their entry point. Police officers armed with shields and gas masks were standing by at the other side of the gate (source: media reports[22]).

Time (Approx.)	Incident
	 *(Image source: Ming Pao)*
20:39	Around 2 000 protesters surrounded the LegCo Complex and attempted to break in. Protesters tampered the electricity supply and some premises inside the LegCo Complex had power failure (source: HKPF). Lights suddenly went off in some parts of the building (source: HKPF, media reports and live video footage[23]).  *(Image source: RTHK)*
20:47	Protesters threw some smoke emitting objects towards the police cordon line through the roller shutter, which had already been prised open by the protesters earlier (source: HKPF and media reports[24]).

Time (Approx.)	Incident
	 *(Image source: HK01)*
20:51	Police officers were instructed to retreat (source: HKPF). They left the LegCo through a passage to the adjacent CGO (source: media reports and live video footage[25]).
21:00	The protesters successfully broke into the LegCo Complex. The protesters stormed in, occupied and vandalised there (source: media reports[26]).   *(Image source: Ming Pao and HK01)*
21:35	Police senior management instructed to formulate a plan for the current situation inside LegCo Complex (source: HKPF).

Time (Approx.)	Incident
22:00 - 22:32	Police senior management instructed police officers to go to Police College for briefing (source: HKPF).
22:21	The Police announced on the internet that a dispersal operation would take place around the LegCo Complex shortly (source: HKPF).
23:30	Police's estimation of number of protesters: ● Designated demonstration area & LegCo Square: 2 700 ● Tamar Park: 50 ● Legislative Council Road: 450 ● Tim Mei Avenue: 600 ● Lung Wo Road: 500 ● Harcourt Road: 850 ● Tim Wa Avenue: 50 (source: HKPF)
23:40-23:58	The Police equipped with shields and batons were seen at Lung Wo Road, Arsenal Street and Fenwick Pier Street (source: HKPF and media reports[27]).
00:02 (2 July 2019)	The Police advanced towards the protesters at Lung Wo Road. Black warning flag indicating "WARNING TEAR SMOKE" was displayed. Protesters threw bricks, umbrellas, hard objects and eggs to the Police. The Police fired rounds of tear gas near Lung Wui Road and Lung Wo Road to disperse the protesters. All protesters started to leave the LegCo Complex. The Police advanced and protesters later retreated to Admiralty area (source: HKPF and media reports[28]).   *(Image source: Ming Pao and HK01)*
00:41	Protesters started to disperse and leave Admiralty area (source: HKPF). The Police moved towards the west from Harcourt Road and warned people at the scene to leave in the direction of Admiralty (source: media reports[29]).
01:00	All protesters inside LegCo Complex had already left the building before the Police marched in (source: media reports[30]).

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